

EXHIBIT 32

Kalhor, Hamid 8/11/2010 9:12:00 AM

21

1 sticking in to make sure that the Veeder-Roof is
2 accurate.

3 Q. So you would physically put a stick --

4 A. Stick, yeah.

5 Q. -- in the tanks?

6 A. Yes, ma'am.

7 Q. Sorry, I keep talking.

8 Was that a daily event?

9 A. Daily event, yeah.

10 Q. Is that called "sticking" the tank?

11 A. Sticking, yeah.

12 Q. Okay. And whose job was it to physically
13 stick the tank and check?

14 A. Either Moe or depends what time of the day,
15 the cashier who was at the site.

16 Q. Did you have more than one cashier?

17 A. For night shift, I believe so. I don't
18 recall.

19 Q. Was it a 24-hour operation?

20 A. 24 hours operation.

21 Q. And was Moe on site every day, as well?

22 A. Yes, ma'am.

23 Q. Is he -- does he live in the area?

24 A. Yes.

25 Q. Do you know his address off the top of your

23

1 A. Not off my head, I had so many employees.

2 Q. Have you ever worked directly for any gasoline
3 refiner?

4 A. No.

5 Q. Any of the major oil companies?

6 A. Directly, you mean getting paid from them for
7 doing the job?

8 Q. Correct.

9 A. No.

10 Q. Okay. Do you know how long Florentino
11 operated the station?

12 A. I have no idea.

13 Q. What was the name of the station when you were
14 operating it?

15 A. Freeway Mobil.

16 Q. Freeway Mobil?

17 A. Yes, ma'am.

18 Q. Was it ever called Chris Mobil?

19 A. I believe that was Florentino. Flor. We used
20 to call it Flor.

21 Q. Flor?

22 A. Flor.

23 Q. When you started in 2001, did someone from
24 Mobil come out and do any training with you?

25 A. As far as?

24

1 head?

2 A. Not really. I know how to get to his house,
3 but I don't know.

4 Q. Do you know which street he lives on? That's
5 how I get home, I close my eyes.

6 A. No.

7 Q. Which city?

8 A. Fountain Valley.

9 Q. Okay. Of the two of you, who would you say

10 spent more time on the site?

11 A. I would say 50/50.

12 Q. Okay. Did you have any other employees who
13 sort of ran the station when you or Moe are not on the
14 site?

15 A. What do you mean by "running the station"? I
16 mean, there must be employees to run the business.

17 Q. Sure.

18 A. But as far as somebody overseeing the
19 employees?

20 Q. Okay. Let's start with that.

21 A. No.

22 Q. So you were the only two managers?

23 A. Yes, ma'am.

24 Q. Do you recall the names of any of the
25 employees who worked for you?

1 Q. As far as making sure you understood all of
2 the equipment and the systems?

3 A. Oh, actually, they -- I sent Majid, my
4 brother, a week to Fairfax for training.

5 Q. Virginia?

6 A. Yes.

7 Q. Hopefully, not in winter?

8 A. Actually, it was.

9 Q. It was winter, wasn't it, October.

10 So other than his training, did you ever go to
11 any?

12 A. No, because I was trained. We get training on
13 regular basis.

14 Q. Can you describe that for me, please, what
15 kind of training?

16 A. Depends what the subject would be at the time.

17 Q. And is that on a yearly basis or how frequent?

18 A. No, usually quarterly basis we had meetings,

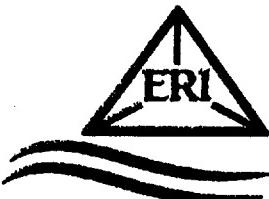
19 we had updates, we had training. And I can say
20 ExxonMobil is the worst of them, as far as training and
21 being after the dealer all the time.

22 Q. When you say they're the worst --

23 A. I mean, being good at it that caused problem
24 for operator, extra work.

25 Q. Extra work.

EXHIBIT 33



VALUE, QUALITY, RESPONSE

October 15, 2010
ERI 3080

Southern California
Northern California
Central California
Pacific Northwest
New England
Southwest
Montana
Texas

Ms. Tamara Escobedo
Orange County Health Care Agency
Division of Environmental Health
1241 East Dyer Road, Suite 120
Santa Ana, California 92705-5611

SUBJECT

THIRD QUARTER 2010 GROUNDWATER MONITORING AND STATUS REPORT
(MARCH 3, 2010 THROUGH AUGUST 31, 2010)
MOBIL STATION 18G6B
9024 WARNER AVENUE, FOUNTAIN VALLEY, CALIFORNIA
OCHCA CASE NO. 00UT008; GLOBAL ID NO. T0605900760

Dear Ms. Escobedo:

At the request of ExxonMobil Environmental Services (EMES) on behalf of ExxonMobil Oil Corporation, Environmental Resolutions, Inc. (ERI) is submitting the *Third Quarter 2010 Groundwater Monitoring and Status Report* for Mobil Station 18G6B at the above-referenced address (Plate 1). A list of acronyms follows this report.

RESPONSIBLE PARTY INFORMATION

Company: ExxonMobil Environmental Services
Contact: Ms. Maria D. Madden, Project Manager
Address: 18685 Main Street, Suite 101 PMB 601
City/Zip: Huntington Beach, California 92648-1719
Phone: (949) 468-9756

CONSULTANT CONTACT

Company: Environmental Resolutions, Inc.
Contact: Mr. Jeff Aguilar
Address: 25371 Commercentre Drive, Suite 250
City/Zip: Lake Forest, California 92630
Phone: (949) 457-8955

SITE HISTORY

- July 1998: TRC Alton Geoscience (Alton) advanced four hand-auger borings to depths ranging from 2 to 4 feet bgs beneath each of the four dispensers at the site.
- September 1998: Alton drilled soil borings B1 and B2, and installed groundwater monitoring well MW1 to a depth of 25 feet bgs.
- November 1998: ERI began quarterly groundwater monitoring and sampling.
- June 2000: Alton drilled soil borings B3 through B5, and installed groundwater monitoring wells MW2 through MW5 to total depths of 27 feet bgs.
- October 2000: Mobil upgraded the tank-top package, product piping and dispenser units at the site. During station upgrade activities, ERI collected soil samples beneath the former product lines and dispenser units for compliance sampling.

Environmental Resolutions, Inc.

25371 Commercentre Drive, Suite 250, Lake Forest, CA 92630 | Tel: 949.457.8950 | Fax: 949.457.8956 | Contr. Lic. A/C10-632

EXHIBIT

33

TABLE 2
WATER LEVEL MEASUREMENTS AND GROUNDWATER ANALYSES
MOBIL STATION 186568
9024 WARNER AVENUE
FOUNTAIN VALLEY, CALIFORNIA
EIR 3680

Date	Well/Elev	GW Depth	GW Elev	TD	Benzene	Toluene	Ethy-benzeno	Xylenes	TPHg	MTBE	DUPE	ETBE	TAME	TBA	EDANTOL	Methanol
		(ft)	(ft)	(ft)	(ug/l)	(ug/l)	(ug/l)	(ug/l)	(ug/l)	(ug/l)	(ug/l)	(ug/l)	(ug/l)	(ug/l)	(ug/l)	(ug/l)
Field Point MW1	Well Screen Interval (Elev): 5-25				<1.0	<1.0	<1.0	<1.0	<50	<2.0 (b)	<1.0	<1.0	<1.0	<1.0	<10	
8/31/2010 X	28.75	8.17	20.58	24.18	<1.0	<1.0	<1.0	<1.0	<50	<2.0 (b)	<1.0	<1.0	<1.0	<1.0	<10	
Field Point MW2	Well Screen Interval (Elev): 7-27				<1.0	<1.0	<1.0	<1.0	<50	0.71 J(b)	<1.0	<1.0	<1.0	<1.0	<10	
Field Point MW3	Well Screen Interval (Elev): 7-27	30.27	11.39	18.86	27.21	<1.0	<1.0	<1.0	<50	0.71 J(b)	<1.0	<1.0	<1.0	<1.0	<10	
Field Point MW4	Well Screen Interval (Elev): 7-27	29.25	9.68	19.57	24.41	<1.0	<1.0	<1.0	<50	<2.0 (b)	<1.0	<1.0	<1.0	<1.0	<10	
Field Point MW5	Well Screen Interval (Elev): 7-27	28.65	10.25	18.40	24.55	<1.0	<1.0	<1.0	<50	<2.0 (b)	<1.0	<1.0	<1.0	<1.0	<10	
Field Point MW6	Well Screen Interval (Elev): 5-25	28.95	8.45	20.50	26.95	<1.0	<1.0	<1.0	<50	0.58 J(b)	<1.0	<1.0	<1.0	<1.0	<10	
Field Point MW7	Well Screen Interval (Elev): 4-30	27.78	10.15	17.93	25.38	<1.0	<1.0	<1.0	<50	<2.0 (b)	<1.0	<1.0	<1.0	<1.0	<10	
Field Point MW8	Well Screen Interval (Elev): 5-25	27.82	12.81	14.81	40.16	<1.0	0.53 J	<1.0	<50	<2.0 (b)	<1.0	<1.0	<1.0	<1.0	<10	
Field Point MW9	Well Screen Interval (Elev): 4-30	27.73	10.83	17.10	49.25	<1.0	<1.0	<1.0	<50	<2.0 (b)	<1.0	<1.0	<1.0	<1.0	<10	
Field Point MW10	Well Screen Interval (Elev): 5-25	27.57	11.48	16.98	25.98	<1.0	<1.0	<1.0	<50	<2.0 (b)	<1.0	<1.0	<1.0	<1.0	<10	
Field Point MW11	Well Screen Interval (Elev): 10-30	28.32	12.51	13.81	26.03	<1.0	<1.0	<1.0	<50	<2.0 (b)	<1.0	<1.0	<1.0	<1.0	<10	
Field Point DPE1	Well Screen Interval (Elev): 10-30	28.72	10.11	19.61	28.88	<1.0	<1.0	<1.0	<50	<2.0 (b)	<1.0	<1.0	<1.0	<1.0	<10	
Field Point DPE3	Well Screen Interval (Elev): 15-30	29.71	12.38	17.33	28.25	<1.0	<1.0	<1.0	<50	1.7 J(b)	<1.0	<1.0	<1.0	<1.0	<10	
Field Point DPE4	Well Screen Interval (Elev): 5-30	29.50	7.91	21.56	27.12	<1.0	1.5	0.36 J	2.3	<50	0.42 J(b)	<1.0	<1.0	<1.0	<10	

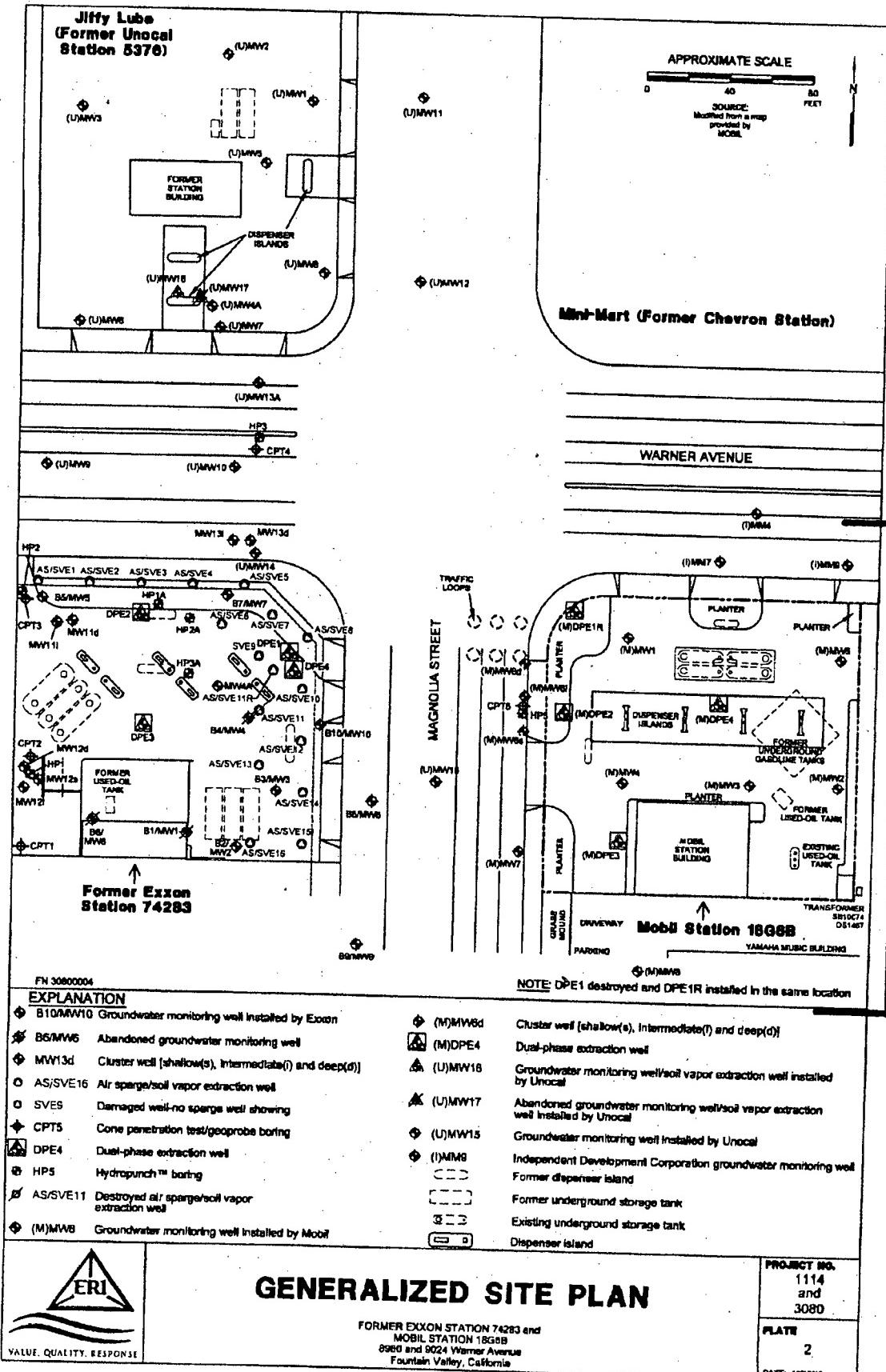


EXHIBIT 34

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

3

4 IN RE: METHYL TERTIARY BUTYL : Master File No.

1:00-1898

5 ETHER ("MTBE") PRODUCTS : MDL 1358 (SAS)

6 LIABILITY LITIGATION : M21-88

7

8 ORANGE COUNTY WATER DISTRICT

9 v.

10 UNOCAL CORP., et al.

11 Case No. 04 Civ. 4968 (SAS)

12

13

14

15

16

17 DEPOSITION OF:

18 HAYK BAZIK

19 TUESDAY, AUGUST 24, 2010

20 1:22 P.M.

21

22

23 REPORTED BY:

24 Kenynia D. Darden

CSR No. 12704

25



1 A. Sure.

2 Q. Okay. For the purposes of my questioning, if
3 I use the word "station" or "site," I'm going to just
4 be just talking about the Cypress Station. That's the
5 only station I'm asking you questions about.

6 Do you understand?

7 A. Yes.

8 Q. Now, you were the dealer at that station in
9 2003?

10 A. Yes.

11 Q. And in that context, were you responsible for
12 hiring the employees?

13 A. Yes.

14 Q. And did you have control over firing them as
15 well?

16 A. Yes.

17 Q. Did you train your employees?

18 A. Yes.

19 Q. Did you train them about gasoline handling?

20 A. Yes.

21 Q. Did you train them that they should not spill
22 gasoline?

23 A. Yes.

24 Q. And that if there was a spill or a leak that
25 it should be cleaned up immediately?

1 A. Yes.

2 Q. To the best of your knowledge, did your
3 employees follow your instructions?

4 A. Yes.

5 Q. Now, as the dealer of the site, did you
6 understand that you were responsible for complying with
7 the laws related to gasoline handling?

8 A. Handling?

9 Q. Right. For example, complying with the
10 underground storage tank requirements?

11 A. Yes.

12 Q. And you understood that you were responsible
13 for complying with the laws related to operating the
14 station?

15 A. Yes.

16 Q. Was it your policy to do everything that you
17 could to follow the rules and the laws to keep the
18 gasoline safely in the storage facilities?

19 MR. MASSEY: Objection; vague and ambiguous.

20 THE WITNESS: What gasoline?

21 MR. MASSEY: Compound.

22 BY MS. REASS:

23 Q. The gasoline at your station.

24 A. I don't keep it. It goes in the oil tank.

25 Q. Did you follow all the procedures to keep the

1 gasoline from not spilling?

2 A. Yes.

3 Q. And you followed the procedures to keep your
4 equipment well-maintained?

5 MR. MASSEY: I'm going to object as to the
6 word "procedures" being vague and ambiguous on this
7 question and the prior questions.

8 You can answer.

9 BY MS. REASS:

10 Q. And you followed -- you followed your
11 procedures to keep your equipment maintained so it
12 wouldn't leak?

13 A. Yes.

14 Q. Okay. You mentioned earlier that you received
15 a five-star award for having the station being
16 well-maintained and cleaned?

17 A. In everything, yes.

18 Q. And that was for the Cypress Station?

19 A. All of them.

20 Q. Is that five-star award the highest level that
21 you can receive?

22 A. Yes. No customer complaint, cleanliness
23 station.

24 Q. As the operator, you did not want the gasoline
25 to leak out of the dispenses, right?

1 A. Yes.

2 Q. So is this – is this the UST Monitoring
3 Program that was referenced in the owner/operator
4 agreement that we just looked at?

5 A. Yes.

6 Q. So you agree to follow all of the procedures
7 laid out in this document?

8 A. Correct.

9 Q. Would a similar monitoring program have
10 governed each of the years that you were a dealer?

11 A. Yes.

12 Q. Okay. I want to introduce Exhibit 20. This
13 document was Bates number 2MDOCP00990020. It's called
14 Spill Response Plan.

15 (Plaintiff's Exhibit 20 was marked for
16 identification by the court reporter and is
17 attached hereto.)

18 BY MS. REASS:

19 Q. There was some discussion earlier about a
20 Spill Response Plan. Do you recognize this document?

21 A. Yes.

22 Q. Does this help refresh your recollection as to
23 whether Tosco provided you with and you agreed to a
24 Spill Response Plan?

25 A. Yes.

1 Q. What is this document?

2 A. To check out all the station pumps the same
3 way I told you.

4 Q. So would you say this document accurately
5 reflects the policies that you agree to regarding how
6 to handle releases of gasoline at the station?

7 A. Yes.

8 Q. So for minor releases that's where you would
9 be allowed to clean it up personally?

10 A. Yes.

11 Q. Using absorbant materials along the lines of
12 the powder that you talked about earlier?

13 A. Yes.

14 Q. Did you follow this procedure regarding minor
15 releases that occurred at the site --

16 A. Yes.

17 Q. -- for each of the years that you were a
18 dealer?

19 A. Yes.

20 Q. At the Cypress site?

21 A. Yes.

22 Q. Okay. And for major releases or the second
23 part of the Spill Response Plan, were those releases
24 that you'd be responsible for cleaning up?

25 A. The major you're talking about?

1 Q. Uh-huh.

2 A. Above the ground, yes. Under the ground, no.

3 Q. The company asks that you call certain numbers
4 if a release like this occurred, right?

5 A. Yes.

6 Q. And that would be certain compliance experts?

7 MR. MASSEY: Objection; lacks foundation. And
8 I want to clarify, when you say "these type of spills"
9 you're referring to what are major releases?

10 MS. REASS: Yes.

11 BY MS. REASS:

12 Q. In particular, I'm looking at number 8 and
13 number 10 under major releases. Are those individuals
14 that you -- are those entities that you were
15 responsible for contacting in the case of a major
16 release?

17 A. Yes. 911. Call all contacts.

18 Q. During the time you were a dealer, did you
19 always follow these requirements?

20 A. Yes.

21 Q. And would a response plan similar to the one
22 you're looking at now had governed your agreement with
23 Unocal or Tosco during the time that you were a dealer?

24 A. Yes.

25 Q. Okay. I want to go back to Exhibit 18, which

1 was the owner/operator agreement that I handed --

2 MR. MASSEY: Can I stop you for a second? Was
3 that a yes or no to that last question?

4 THE WITNESS: What was that last question?

5 Say it again.

6 (The previous question was read back by the
7 court reporter as follows:

8 "QUESTION: And would a response plan
9 similar to the one you're looking at now had
10 governed your agreement with Unocal or Tosco
11 during the time that you were a dealer?"

12 (The previous answer was read back by the
13 court reporter as follows:

14 "ANSWER: Yes.")

15 BY MS. REASS:

16 Q. So I wanted to turn back to Exhibit 18, which
17 was the owner/operator agreement dated February 7th, of
18 '97. And I wanted to draw your attention to paragraph
19 7. And the first sentence there states:

20 "Unocal must be notified of the
21 detection of any unauthorized
22 releases by the fastest means
23 available no later than eight hours
24 or within the time frame mandated
25 by the local employment agency

1 And the operator must adhere to the
2 procedures contained in the Spill
3 Response Plan."

4 Right?

5 A. Yes.

6 Q. And that occurred during the time you were a
7 dealer? You followed this policy?

8 A. Yes.

9 Q. And the last thing I want to refer you to
10 number 9. And this is on the second page of the
11 document of the exhibit you're holding. And number 9
12 simply states:

13 "Any unauthorized releases
14 must be recorded. Such record
15 shall be maintained on-site
16 at all times."

17 Now, you previously mentioned you adhered to
18 this policy you followed that policy as well?

19 A. Yes.

20 Q. And you also previously testified that there
21 were no leaks during the time that you were a dealer,
22 right?

23 A. Yes.

24 Q. And so according to this policy, if there was
25 any unauthorized leak, or leaks, or spills, you would

1 have reported it. And the records would have been
2 maintained on-site?

3 A. Yes.

4 Q. Okay. Did you know that gasoline was
5 dangerous throughout the time you operated the station?

6 A. Yes.

7 Q. And that was regardless of the components in
8 the gasoline?

9 A. Yes.

10 Q. So we talked earlier a little bit about the
11 MTBE. And you weren't sure if you had heard of it.

12 Would it have made a difference in your
13 handling of the product?

14 A. No, I heard of it, but I don't know what it
15 is. The chemical, the use is -- I didn't hear it. I
16 know the name, but I don't know what's the difference
17 between each other.

18 MR. MASSEY: I'm going to object to the
19 question, lacking foundation, and calling for
20 speculation.

21 BY MS. REASS:

22 Q. Would you have handled the gasoline
23 differently -- strike that.

24 So you knew gasoline was dangerous in any
25 form. And you understood that you weren't supposed to

1 A. Gas station, yes, but gasoline, no.

2 Q. Did Unocal, or Tosco, or the company any time
3 you were the dealer provide you with any kind of
4 written training or instruction manuals?

5 A. Yes.

6 Q. And can you describe those?

7 A. Most of them was employee -- safety of the
8 employees. They have -- we call book. They used to
9 come. And even salesperson, they used to -- we had
10 class safety for employees where we used to send them
11 over here in Costa Mesa somewhere training.

12 Q. Did the company ever provide you with any
13 training on handling the gasoline or preventing leaks
14 or spills?

15 A. Yes. That's what we were checking on every
16 day. The tanks, the nozzle, the hose make sure around
17 the pumps there is no gasoline.

18 Q. Particularly I'm wondering if they provided
19 you with any written training documents or updates to
20 your classroom training?

21 A. I don't recall.

22 Q. No. Okay.

23 MS. REASS: That's all the questions I have.

24 MR. MASSEY: Sammy, do you have any questions?

25 MR. DAVIS: Nothing from me. Thank you.

EXHIBIT 35

Deposition of Gasper Farace / August 18, 2010

Page 1

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

In Re:

Methyl Tertiary Butyl Ether ("MTBE") MDL No. 1358 (SAS)
Products Liability Litigation

This Document Relates to:

Orange County Water District v.

Unocal, et al.,

Case No. 04 Civ. 4968 (SAS)

DEPOSITION OF:

GASPER FARACE

Wednesday, August 18, 2010

9:09 a.m.

Reported by:

Stacy L. Duysings

CSR. No. 13507



Deposition of Gasper Farace / August 18, 2010

<p style="text-align: center;">Page 14</p> <p>1 station that you're affiliated with? 2 A Yes. 3 Q Is that the Unocal station Number 5376? 4 A I believe that was the number, 5376. 5 Q I'll break that in half. First, was that a Unocal 6 station? 7 A Yes, it was. 8 Q Hang on one second. You did correctly anticipate 9 where I was going. 10 MR. DAVIS: I'll object to lacks foundation. 11 BY MR. EICKMEYER: 12 Q Well, I'm trying to go establish it here. Was 13 there a Unocal station here at the address 8971 Warner 14 Avenue in Huntington Beach? 15 A Yes, there was. 16 MR. DAVIS: Same objections. 17 BY MR. EICKMEYER: 18 Q And what you were saying a moment ago, you're not 19 sure that station was 5376? 20 A Correct. 21 Q Besides a Unocal station at 8971 Warner Avenue in 22 Huntington Beach, have you worked for or at other gasoline 23 stations? 24 A Yes, I was. 25 Q Where is that other station located?</p>	<p style="text-align: center;">Page 16</p> <p>1 like that. 2 Q Do you know who actually owned the station when you 3 first leased it? 4 A No, I don't know. We went through a company that 5 manages property and we went through him. 6 Q What was the name of that company or person you 7 dealt with? 8 A I don't remember. The person's first name was 9 Patrick, that's all I know. But his office was right on 10 Magnolia. 11 Q And do you recall approximately when it occurred 12 that the station switched over to Unocal? 13 A It was right -- probably at the same time that I 14 got in there, contacted them. 15 Q When you said that in the 1980's, I believe, did 16 you get in there toward the early 80's, mid 80's? 17 A Mid 80's. 18 Q Do you recall what the address of that station was 19 or the intersection it was at? 20 A Palmdale Drive, I believe, in Costa Mesa. 21 Q On Palmdale Drive? 22 A Yes. 23 Q Do you remember the name of any major intersections 24 nearby or any other businesses? 25 A Harbor Boulevard was close.</p>
<p style="text-align: center;">Page 15</p> <p>1 A In Costa Mesa. 2 Q What was the brand, if any, or the name of the 3 station in Costa Mesa? 4 A It was Palm Oil. 5 Q The station was branded Palm Oil? 6 A Yes. 7 Q Do you recall what years you worked at that Palm 8 Oil station? 9 A In the 80's, I know that. 10 Q Were you an employee or the dealer? Or what was 11 your affiliation with that Palm Oil? 12 A Actually, I leased the station as Palm Oil. And 13 Unocal came in and did a paint contract on it, which branded 14 it Unocal. 15 Q I'm sorry. I didn't catch one word you said. Did 16 you say a paint contract? 17 A That's the terminology they used on it, because 18 they painted the building. They put their signs up, so that 19 they could supply the fuel. 20 Q So when you leased the station as Palm Oil, did you 21 then continue to operate it as a Unocal station? 22 A Yes, I did. It wasn't leased from Palm Oil. It 23 was a Palm Oil station. That's what it was branded. And 24 then when I got there, Unocal branded it with their name on 25 it. So we were able to use their credit cards and things</p>	<p style="text-align: center;">Page 17</p> <p>1 Q Do you remember what year you stopped being 2 affiliated with that station in Costa Mesa? 3 A Just towards the late 80's, you know. 4 Q When did you first become affiliated with the 5 <u>Unocal station at 8971 Warner Avenue in Huntington Beach?</u> 6 A <u>I don't recall exact year, but it was about 30</u> 7 <u>years ago. I know that.</u> 8 Q About 1980? 9 A It's possible it was '79 or '78. 10 Q And what was your role in 1978 or '79 in regard to 11 the station? Were you the dealer then? Or an employee 12 then? Or what? 13 A I was a dealer. 14 Q <u>Did you a lease the station initially? Or what</u> 15 <u>kind of relationship did you have?</u> 16 A <u>It's a typical Unocal lease. It's a three-year</u> 17 <u>lease. Every three years they review it and renew it.</u> 18 That's what I had. 19 Q <u>Do you recall when you stopped being affiliated</u> 20 <u>with that station on Warner Avenue?</u> 21 A Yes, I do. 22 Q When was that? 23 A '92. 24 Q Did you have a series of three-year leases, or were 25 there different terms involved?</p>

Deposition of Gasper Farace / August 18, 2010

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<p>1 litter?</p> <p>2 A Actual kitty litter. They do have a dry sweep you 3 can use. Kitty litter works probably even better and it's 4 half the price. That's the reason.</p> <p>5 Q Was there a certain brand of kitty litter being 6 used there?</p> <p>7 A No, I don't recall.</p> <p>8 Q You mentioned that this kitty litter product was 9 being used for oil spills?</p> <p>10 A Yes.</p> <p>11 Q Do you recall any occasions where that product was 12 being used to absorb any gasoline leaks or spills?</p> <p>13 A I had an occasion where a car came in and he had a 14 fuel leak, he was pouring out in the back in our driveway. 15 The guy got out of the car. He was right near the fuel 16 tanks too. The first thing I told him was get away from the 17 car. I didn't want to get near that. I didn't want him to 18 push it. Didn't want to start it. Didn't want static 19 electricity, whatever.</p> <p>20 They came down there. They responded really quick. 21 I had them come down and they got the car pushed off to the 22 side, and they used their litter or whatever they have used 23 to clean it up. It was about \$40 a bag it cost me to 24 clean it up. They cleaned it up and isolated the block and 25 it didn't go any further than that. I remember that.</p>	<p>1 A No, I don't.</p> <p>2 Q Do you remember if that was the Huntington Beach 3 Fire Department, or which agency responded?</p> <p>4 A Huntington Beach.</p> <p>5 Q So are you saying at the time the Huntington Beach 6 Fire Department responded, they used their own absorbent 7 material?</p> <p>8 A Yeah. They have it on their vehicles.</p> <p>9 Q Could you recall if this was a kitty litter type of 10 product like you had been using, or something different?</p> <p>11 MR. DAVIS: Objection. Calls for speculation.</p> <p>12 THE WITNESS: I believe --</p> <p>13 MR. DAVIS: Lacks foundation.</p> <p>14 BY MR. EICKMEYER:</p> <p>15 Q Go ahead.</p> <p>16 A I believe it was just plain oil dry stuff that they 17 use. Not too many people know about the kitty litter thing.</p> <p>18 Q Do you recall ever being told by any of employees 19 that there had been any gas leaks or spills when you weren't 20 present at the station?</p> <p>21 A No.</p> <p>22 Q Do you remember ever hearing from your employees 23 that they had to use the kitty litter material to absorb any 24 gasoline leaks or spills?</p> <p>25 A On the oil leaks, sometimes you get a vehicle come</p>
<p style="text-align: center;">Page 75</p> <p>1 Q Do you recall seeing fuel on the ground coming out 2 of his car?</p> <p>3 A Yes. Yes.</p> <p>4 Q About how large was that area?</p> <p>5 A It was probably about a four-foot area that was wet 6 of his fuel leak that he had in his car.</p> <p>7 Q Do you recall about what year that incident 8 occurred?</p> <p>9 A It was after the new tanks were put in. So late 10 80's, I guess.</p> <p>11 Q When you mentioned it was about \$40 a bag, were you 12 indicating the fire department charged you for the clean up?</p> <p>13 A Yes. Yes.</p> <p>14 Q Did you try to have this customer reimburse you or 15 pay for the cost?</p> <p>16 A We might have. Come to think of it, either that, 17 or we didn't know we got charged until after we left. But I 18 think we had.</p> <p>19 Sometimes cars would come in and it would be hot 20 and stuff. Sometimes people have a problem across the 21 street, we need a fire extinguisher, we try to charge them 22 for that. I'm not sure what happened. That was over 20 23 years ago.</p> <p>24 Q Do you have any recollection of that gentleman's 25 name that had that leaking car?</p>	<p style="text-align: center;">Page 77</p> <p>1 in off the freeway or something, get gas, and there would be 2 a puddle of oil out there and we don't want to leave that 3 there for someone to step and fall on it. It's there handy, 4 and they're supposed to keep it up and clean it up. I 5 haven't come across a real big one where there was a lot of 6 it.</p> <p>7 Q Besides oil leaks, did any of your employees ever 8 tell you they used the kitty litter material for any 9 gasoline leaks or spills?</p> <p>10 A No. I don't remember. (Exhibit 2 was marked for identification by the Certified Shorthand Reporter and is attached hereto.)</p> <p>11 BY MR. EICKMEYER:</p> <p>12 Q Mr. Farace, we've marked as Exhibit 2 a map. This 13 is labeled ENSR Site Plan Map for Unocal Service Station 14 Number 5376. 8971 Warner Avenue, Huntington Beach, 15 California. There's no bates number on it. There's a date 16 at the bottom center, July 20th, 2004.</p> <p>17 I'd ask you to take a look at the streets on the 18 left center and Warner Avenue and toward the top center is 19 Magnolia Street.</p> <p>20 MR. DAVIS: Before -- I want to object to this. To 21 the extent you're showing him a document that post dates 22 activity of the station by 18 years. Go ahead.</p>

20 (Pages 74 to 77)

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<p>1 taking place at the station site?</p> <p>2 A Not that I can recall.</p> <p>3 Q Are you aware of the nature or extent of any</p> <p>4 investigation activities taking place at the station after</p> <p>5 it closed?</p> <p>6 A No.</p> <p>7 Q Are you aware of the nature or extent of any</p> <p>8 remediation or cleanup taking place at the station after it</p> <p>9 closed?</p> <p>10 MR. DAVIS: Objection. Lacks foundation.</p> <p>11 THE WITNESS: Other than the unit they put on there</p> <p>12 that's supposed to take the fuel out of there, I don't know.</p> <p>13 I would have had that unit there that was processing that</p> <p>14 water. I don't know how it did it, what it did, how long it</p> <p>15 was going to be. It was supposed to be there for a year or</p> <p>16 so. It's still there.</p> <p>17 BY MR. EICKMEYER:</p> <p>18 Q Besides that unit you mentioned and you described</p> <p>19 in driving by of soil excavation, do you recall ever hearing</p> <p>20 of any other remediation or cleanup activity taking place at</p> <p>21 the site?</p> <p>22 A No.</p> <p>23 MR. EICKMEYER: Let me go off the record at this point.</p> <p>24 THE VIDEOGRAPHER: Going off the record at 1:11 p.m.</p> <p>25 (A short break was held.)</p>	<p>1 ordered gasoline during the entire time you operated the</p> <p>2 station?</p> <p>3 A Yes, it was.</p> <p>4 MR. EICKMEYER: I have no further questions at this</p> <p>5 point. So Mr. Davis, go ahead.</p> <p>6 BY MR. DAVIS:</p> <p>7 Q Mr. Farace, I wanted to thank you for your time. I</p> <p>8 apologize if I have mispronounced your name.</p> <p>9 I'm an attorney representing Unocal Corporation and</p> <p>10 Union Oil Company of California. And I had just a few quick</p> <p>11 questions for you. I'll get you out of here as soon as</p> <p>12 possible.</p> <p>13 For the station at 8971 Warner Avenue, you</p> <p>14 testified earlier that you started a leak there in 1978 or</p> <p>15 1979 for the Union 76 Station that subsequently became a</p> <p>16 Unocal station. And you also testified that you got at</p> <p>17 least a week of training, eight hours of a day, and maybe</p> <p>18 more than that.</p> <p>19 Is that all correct?</p> <p>20 A Yes, that's correct.</p> <p>21 Q You also testified that most of the training</p> <p>22 related to prevention of leaks and spills; is that correct?</p> <p>23 A I wouldn't say most of it, but a very good deal of</p> <p>24 it. There's a lot of TBA training that we had. And</p> <p>25 bookkeeping. And things of that nature.</p>
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<p>1 THE VIDEOGRAPHER: Back on the record at 1:32 p.m.</p> <p>2 BY MR. EICKMEYER:</p> <p>3 Q Mr. Farace, I have a few more questions, then we'll</p> <p>4 let Mr. Davis on the phone ask you some.</p> <p>5 Were you ever aware of any tank tightness tests</p> <p>6 being conducted on the underground storage tanks?</p> <p>7 A I don't know what the tank tightness test is.</p> <p>8 Q So you never heard that any were done?</p> <p>9 A No. Tightness test, no. Never heard of it.</p> <p>10 Q Was there a particular amount of gasoline that you</p> <p>11 tried to keep in the tanks, your underground storage tanks?</p> <p>12 MR. DAVIS: Objection. Vague and ambiguous.</p> <p>13 THE WITNESS: Generally, when there's room to put a load</p> <p>14 in, we put a load in. Try to keep it close to as much as we</p> <p>15 can keep in there without overfilling.</p> <p>16 BY MR. EICKMEYER:</p> <p>17 Q Did you ever arrange for any tests or inspections</p> <p>18 to be done to try and determine if the underground storage</p> <p>19 tanks were leaking?</p> <p>20 A No.</p> <p>21 Q I just want to clarify, I think you described, when</p> <p>22 you needed to order gasoline, you described you would place</p> <p>23 a call to do that.</p> <p>24 I just want to clarify. There was a change</p> <p>25 from Union 76 to Unocal. Was that the method of how you</p>	<p>1 Q Okay. But there was a -- is it correct that there</p> <p>2 was an emphasis on leak prevention and spill prevention?</p> <p>3 A I would say, yes.</p> <p>4 Q And that was a training you received at the outset</p> <p>5 right when you started working at the station?</p> <p>6 A Yes. Before we even got into the station.</p> <p>7 Q <u>So from before you even started working at the</u></p> <p>8 <u>company station, you knew that for the entire time period,</u></p> <p>9 <u>you knew that it was part of your job to do everything you</u></p> <p>10 <u>could to prevent spills; correct?</u></p> <p>11 MR. EICKMEYER: Object as vague and ambiguous. Go</p> <p>12 ahead.</p> <p>13 THE WITNESS: Well, I knew it was part of my job to take</p> <p>14 the readings and to notify the rep when I found something</p> <p>15 that was out of the ordinary. That's exactly what I did.</p> <p>16 BY MR. DAVIS:</p> <p>17 Q Right. And that's what I mean. I just meant that</p> <p>18 <u>you were supposed to maintain the tanks or anything like</u></p> <p>19 <u>that.</u></p> <p>20 <u>But you understood that was something you were</u></p> <p>21 <u>supposed to be on the look out for; correct?</u></p> <p>22 A Yes, and I did.</p> <p>23 Q <u>And that was the same for leaks, the same concept.</u></p> <p>24 <u>You knew there the outset of time you worked there based on</u></p> <p>25 <u>the training from the company that you were supposed to be</u></p>

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<p style="text-align: center;">Page 162</p> <p>1 on the lookout for leaks and anything abnormal in that I 2 regard?</p> <p>3 A Yes. And when we found one to notify Unocal 4 immediately, like we did.</p> <p>5 Q So if you were trained that if you ever saw or 6 observed anything that made you think there might be a 7 spill, you were supposed to immediately notify the company; 8 is that right?</p> <p>9 A Yes notify my rep, yes.</p> <p>10 Q And in the case of a leak, was that the same -- 11 same instruction, that you were to immediately notify the 12 company?</p> <p>13 A Yes, which was my rep.</p> <p>14 Q And do you feel that you received -- strike that. 15 Is that training, that applied to when you were 16 returning to the gas station in 1982, just the same as in 17 1991; right?</p> <p>18 A Yes.</p> <p>19 Q So it didn't matter to you if -- would it matter to 20 you if it was, for example, you saw an unleaded spill versus 21 a premium spill? Would that make any difference?</p> <p>22 A No.</p> <p>23 Q If you saw gasoline that contained -- gasoline is 24 gasoline; right?</p> <p>25 A Right. Right. They're both important.</p>	<p style="text-align: center;">Page 164</p> <p>1 problem, I went to him.</p> <p>2 Q So in your experience, if you ever had to notify 3 the company about anything, were they -- did you find them 4 to be responsive and there?</p> <p>5 A Pretty much. I really don't know, because --</p> <p>6 Q Let me -- that was a vague question.</p> <p>7 MR. EICKMEYER: I'm not sure if he was done yet.</p> <p>8 MR. DAVIS: Oh, I'm sorry.</p> <p>9 THE WITNESS: I don't know how he responded to the 10 problems I have -- had. I told him if we had a problem. I 11 might not hear anything until next week when he comes by 12 again how important he thought it was.</p> <p>13 BY MR. DAVIS:</p> <p>14 Q We spent a lot of time discussing the tank removal 15 that occurred in 1989. You testified in that situation, 16 that there was -- when you noticed a discrepancy in the 17 tanks and then had you called Unocal; is that right?</p> <p>18 A I either called them or a told the rep, because the 19 rep is there all the time. So if it was his time to come in 20 and I handled a discrepancy and he would come in from the 21 days. He would look at them and take it from there.</p> <p>22 Q When you raised that issue with your rep, he came 23 in that day to begin investigating?</p> <p>24 A Generally, he did. Sometimes he looked at the 25 books and he said, "well, let's take the readings again for</p>
<p style="text-align: center;">Page 163</p> <p>1 Q And if gasoline had MTBE in it and you saw a spill, 2 you would immediately notify your employer; right? Not your 3 employer, your rep?</p> <p>4 MR. EICKMEYER: Vague and ambiguous. Lacks foundation.</p> <p>5 THE WITNESS: I would notify him if it had anything in 6 it, any kind of spill.</p> <p>7 BY MR. DAVIS:</p> <p>8 Q Any kind of gasoline, with or without MTBE, you 9 knew from the outset of time that you were to immediately 10 notify your employer; correct?</p> <p>11 MR. EICKMEYER: Same objections.</p> <p>12 THE WITNESS: Yes.</p> <p>13 BY MR. DAVIS:</p> <p>14 Q That's the same for a leak as well?</p> <p>15 A Yes.</p> <p>16 Q And you may have known that because of common 17 sense, but also the company specifically provided you 18 training on that point; correct?</p> <p>19 A Yes, they did.</p> <p>20 Q Earlier you had testified that, in addition to this 21 training, that reps would come by frequently and that the 22 company kept a close watch of the station; is that right?</p> <p>23 A Yeah, the rep was by all the time. Sometimes a 24 couple times a week. Sometimes I bothered him with that 25 stuff he didn't want to hear. Any time we had a slight</p>	<p style="text-align: center;">Page 165</p> <p>1 a couple of days and go back and forth."</p> <p>2 And after a week or two to make sure it didn't 3 bounce back. And then when he was satisfied that it was 4 just either an error or transposing a number or something 5 like that, he would just let it go with that.</p> <p>6 Q There was some testimony earlier that you had maybe 7 seen around the tank, a volume that you guessed was about 8 half a cup of fuel that may have -- when there was 9 deliveries made, you said you didn't actually see it spill, 10 or you may have seen some discoloration on the ground?</p> <p>11 MR. EICKMEYER: Misstates the testimony.</p> <p>12 THE WITNESS: I don't know if it was half a cup or one 13 ounce, but I seen it one time that it looked like there was 14 some fuel with the pick up where they put the fuel in while 15 I was out there studying the tank.</p> <p>16 BY MR. DAVIS:</p> <p>17 Q Sorry?</p> <p>18 A When I went to stick the tank, I noticed that one, 19 few times that there was some moisture down there.</p> <p>20 Q So it could have been less than half a cup?</p> <p>21 MR. EICKMEYER: Speculation.</p> <p>22 THE WITNESS: I wasn't anything, just damp, wet from 23 fuel and smelled it. It could have been a residual from the 24 hose, I don't know.</p> <p>25 BY MR. DAVIS:</p>

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<p>Page 174</p> <p>1 THE VIDEOGRAPHER: This concludes today's proceeding in 2 the deposition of Gasper Farace. 3 The number of videotapes used is two. We are now 4 going off the record. Time is 1:56 p.m. 5 (Deposition concluded at 1:56 p.m.)</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>Page 174</p> <p>1 REPORTER'S CERTIFICATE</p> <p>2</p> <p>3 I, Stacy L. Duysings, Certified Shorthand 4 Reporter, in and for the state of California, do 5 hereby certify:</p> <p>6</p> <p>7 That the foregoing witness was by me duly 8 sworn; that the deposition was then taken before me 9 at the time and place herein set forth; that the 10 testimony and proceedings were reported 11 stenographically by me and later transcribed into 12 typewriting under my direction; that the foregoing 13 is a true record of the testimony and proceedings 14 taken at that time.</p> <p>15</p> <p>16 IN WITNESS WHEREOF, I have subscribed my 17 name on this 29th day of August, 2010.</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <hr/> <p style="text-align: right;">Stacy L. Duysings, CSR 13507</p>
<p>Page 175</p> <p>1 DECLARATION UNDER PENALTY OF PERJURY</p> <p>2</p> <p>3</p> <p>4 I, Gasper Farace, do hereby certify under penalty of 5 perjury that I have read the foregoing 6 transcript of my deposition taken on Thursday, August 19, 7 2010, that I have made such corrections as appear noted 8 herein in ink, initialed by me; that my testimony as 9 contained herein, as corrected, is true and correct.</p> <p>10</p> <p>11 DATED this _____ day of _____, 2010, 12 at _____, California.</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	

EXHIBIT 36

ENSR | AECOM

ENSR
999 Town & Country Rd., 4th Floor, Orange, California 92868-4713
T.714.973.9740 F 714.973.9750 www.ensr.aecom.com

January 11, 2008

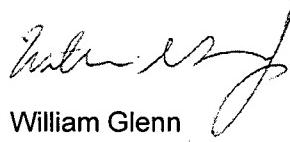
Kevin Lambert
Orange County Health Care Agency
1241 East Dyer Road, #120
Santa Ana, CA 92705

Subject: Submission of Fourth Quarter 2007 Groundwater Monitoring Report
Former Unocal Service Station #5376
8971 Warner Avenue, Huntington Beach, CA
Case #89UT168

Dear Mr. Lambert:

Please find attached the subject report for your review. If you have any questions, please contact me at (714) 973-3373 or wglenn@ensr.aecom.com.

Sincerely,



William Glenn
Project Manager

cc: Ms. Nancy Olson-Martin, RWQCB
Christian Santicola, Jiffy Lube Store #1857
Roland Mora, Chevron, (via e-mail)



Table 2
Historical Groundwater Elevations and Laboratory Results
Former Unocal Services Station 53376

Monitoring Well	Sample Collection Date	Top of Casing (ft-msl)	Total Depth (ft-bmp)	Groundwater Depth (ft-bmp)	Depth to Groundwater (ft-bmp)	Groundwater Elevation (ft-msl)	TPH-G (µg/L)	Benzene (µg/L)	Ethylbenzene (µg/L)	Toluene (µg/L)	Total Xylenes (µg/L)	MTBE (µg/L)	MTBE 8021B (µg/L)	DIPEN (µg/L)	ETBE (µg/L)	TAME (µg/L)	TBA (µg/L)	Other VOCs (µg/L)
MW-5	01/16/92	28.35	-	16.64	-	11.71	-	-	0.8	0.6	ND	ND	ND	ND	ND	ND	-	-
MW-5	08/23/92	28.35	-	16.84	11.51	ND	1.5	0.5	ND	ND	ND	ND	ND	ND	ND	ND	-	-
MW-5	09/10/92	28.35	-	17.96	10.39	ND	1.5	0.5	ND	ND	ND	ND	ND	ND	ND	ND	-	-
MW-5	11/11/92	28.01	-	17.15	10.86	-	-	-	ND	1.3	ND	ND	ND	ND	ND	ND	-	-
MW-5	12/07/92	28.01	-	16.53	11.48	ND	0.9	ND	-	-	-	-	-	-	-	-	-	-
MW-5	03/19/93	28.01	-	12.85	15.16	-	-	-	-	-	-	-	-	-	-	-	-	-
MW-5	08/16/93	28.01	-	-	-	15.23	0.5	120	0.5	16	ND	ND	ND	ND	ND	ND	-	-
MW-5	09/21/93	28.01	-	14.68	13.33	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	-
MW-5	12/14/93	28.01	-	-	-	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	-
MW-5	01/28/94	28.01	-	-	-	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	-
MW-5	03/25/94	28.01	-	13.61	14.4	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	-
MW-5	08/23/94	28.01	-	14.17	13.84	ND	1.4	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	-
MW-5	09/21/94	28.01	-	15.45	12.56	0.14	0.9	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	-
MW-5	12/15/94	28.01	-	14.00	14.01	0.16	2.6	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	-
MW-5	03/14/95	28.15	-	11.57	16.58	ND	0.7	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	-
MW-5	06/14/95	28.15	-	12.24	15.91	0.34	4.6	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	-
MW-5	09/12/95	28.15	-	-	-	460	61	ND	ND	3.7	2.8	-	-	-	-	-	-	-
MW-5	07/01/96	28.15	-	-	-	990	170	1.1	1.1	13	7.4	-	-	-	-	-	-	-
MW-5	09/16/96	28.15	40.00	10.70	17.45	360	21	20	8.6	8.6	39.4	71	-	-	-	-	-	-
MW-5	01/22/97	28.15	40.00	12.45	15.7	308	18	8.5	7.3	6.5	100	-	-	-	-	-	-	-
MW-5	02/27/97	28.15	37.45	13.35	14.8	200	3	ND	ND	1.2	130	-	-	-	-	-	-	-
MW-5	03/03/97	28.15	37.45	12.29	15.86	120	1	ND	ND	ND	ND	65	-	-	-	-	-	-
MW-5	06/09/97	28.15	37.45	13.95	14.2	190	13	0.68	6.1	4.1	-	-	-	-	-	-	-	-
MW-5	12/15/97	28.15	-	13.60	14.55	ND	2.5	ND	ND	ND	ND	7.9	-	-	-	-	-	-
MW-5	03/02/98	28.15	20.10	10.80	17.35	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	-
MW-5	06/04/98	28.15	20.10	12.41	15.74	66	1.7	ND	ND	3.7	ND	22	-	-	-	-	-	-
MW-5	08/01/98	28.15	20.10	16.54	11.61	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	-
MW-5	12/11/98	28.15	20.10	14.45	13.7	53	0.94	0.57	0.84	2.6	ND	-	-	-	-	-	-	-
MW-5	02/08/99	28.15	17.79	13.30	14.85	89	0.98	ND	ND	ND	ND	5	-	-	-	-	-	-
MW-5	05/20/99	28.15	17.79	12.92	15.23	ND	ND	ND	ND	ND	ND	6.4	-	-	-	-	-	-
MW-5	08/11/99	28.15	18.85	14.61	13.54	57	ND	0.52	ND	ND	ND	1	7	-	-	-	-	-
MW-5	11/17/99	28.15	18.90	14.64	13.51	51	2.2	0.94	1.2	3.3	ND	-	-	-	-	-	-	-
MW-5	02/08/00	28.15	18.85	13.80	14.35	ND<0.50	ND<0.3	0.46	ND<0.3	ND<0.3	ND<0.6	ND<5	-	-	-	-	-	-
MW-5	05/24/00	28.15	18.85	13.91	14.24	ND<50	0.51	0.6	ND<0.3	0.84	ND<5	-	-	-	-	-	-	-
MW-5	08/24/00	28.15	18.88	14.72	13.43	ND<50	0.69	ND<0.3	ND<0.3	ND<0.6	ND<5	-	-	-	-	-	-	-
MW-5	11/21/00	28.15	18.82	14.97	13.18	ND<50	ND<0.3	ND<0.3	ND<0.3	ND<0.6	ND<5	-	-	-	-	-	-	-
MW-5	11/18/04	28.15	18.88	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
MW-5	02/08/05	28.15	18.82	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
MW-5	08/04/05	28.15	16.79	8.82	19.33	ND<44	ND<0.26	ND<0.35	ND<0.17	ND<0.59	-	0.36 J	ND<0.39	ND<0.33	ND<3.9	ND<3.9	PCE (0.61), TCE (0.56)	-
MW-5	10/13/05	28.15	18.15	9.44	18.71	ND<44	ND<0.26	ND<0.35	ND<0.17	ND<0.59	-	ND<0.29	ND<0.33	ND<0.33	ND<3.9	ND<3.9	PCE (0.61), TCE (0.56)	-
MW-5 (DUP)	10/13/05	28.15	18.15	9.44	18.71	ND<44	ND<0.26	ND<0.35	ND<0.17	ND<0.59	-	0.40 J	ND<0.33	ND<0.33	ND<3.9	ND<3.9	PCE (0.61), TCE (0.56)	-
MW-5	03/07/06	28.15	18.15	9.04	19.11	ND<44	ND<0.26	ND<0.35	ND<0.17	ND<0.59	-	0.31 J	ND<0.33	ND<0.33	ND<3.9	ND<3.9	PCE (0.61), TCE (0.56)	-
MW-5	06/07/06	28.15	18.15	9.01	19.14	ND<48	ND<0.26	ND<0.35	ND<0.17	ND<0.59	-	0.40 J	ND<0.33	ND<0.33	ND<3.9	ND<3.9	PCE (0.61), TCE (0.56)	-
MW-5 DUP-1	09/07/06	28.15	18.79	6.68	21.47	ND<48	ND<0.26	ND<0.35	ND<0.17	ND<0.59	-	0.42 J	ND<0.33	ND<0.33	ND<3.9	ND<3.9	PCE (0.61), TCE (0.56)	-
MW-5	12/15/06	-	-	-	-	ND<20	ND<0.5	ND<0.5	ND<0.5	ND<0.5	-	ND<0.5	ND<0.5	ND<0.5	ND<2.0	ND<2.0	PCE (0.61), TCE (0.56)	-
MW-5	02/27/07	28.15	19.16	9.81	18.34	ND<40	ND<0.5	ND<0.5	ND<0.5	ND<0.5	-	ND<0.5	ND<0.5	ND<0.5	ND<2.0	ND<2.0	PCE (0.61), TCE (0.56)	-
MW-5	05/31/07	28.15	19.13	9.35	18.80	ND<40	ND<0.5	ND<0.5	ND<0.5	ND<0.5	-	ND<0.5	ND<0.5	ND<0.5	ND<2.0	ND<2.0	PCE (0.61), TCE (0.56)	-
MW-5	06/22/07	28.15	19.18	10.00	18.15	ND<40	ND<0.5	ND<0.5	ND<0.5	ND<0.5	-	ND<0.5	ND<0.5	ND<0.5	ND<2.0	ND<2.0	PCE (0.61), TCE (0.56)	-
MW-5	08/22/07	28.15	19.42	12.08	16.07	ND<20	ND<0.5	ND<0.5	ND<0.5	ND<0.5	-	ND<0.5	ND<0.5	ND<0.5	ND<2.0	ND<2.0	PCE (0.61), TCE (0.56)	-

Table 2
Historical Groundwater Elevations and Laboratory Results
Former Unocal Service Station 5376

Monitoring Well	Sample Collection Date	Top of Casing Elevation (ft-msl)	Total Depth (ft-bmp)	Depth to Groundwater (ft-bmp)	Groundwater Elevation (ft-msl)	TPH-G (ug/L)	Benzene (ug/L)	Toluene (ug/L)	Ethylbenzene (ug/L)	Total Xylenes (ug/L)	MTBE (ug/L)	MTBE 80/20/B (ug/L)	DPE (ug/L)	ETBE (ug/L)	TAME (ug/L)	TBA (ug/L)	Other VOCs (ug/L)
MW-16-D	05/31/07	—	—	—	—	960	99	ND<0.5	47	75	—	41	ND<0.5	ND<0.5	ND<0.5	26	Isopropylbenzene (5.0 J) n-Propylbenzene (7.0 J) 1,2,4-Trimethylbenzene (75) 1,3,5-Trimethylbenzene (7.0 J) Naphthalene (23)
MW-16	06/22/07	29.63	30.39	13.32	16.31	720	47	ND<0.5	31	41	—	30	ND<0.5	ND<0.5	ND<0.5	20 J	Mandane (1.390) Sulfate (680,000) ORP (620) Ferrous Iron (2,500) Methane (510) Isopropylbenzene (4.0 J) n-Propylbenzene (5.0 J) 1,3,5-Trimethylbenzene (4.0 J) 1,2,4-Trimethylbenzene (65) Naphthalene (24)
MW-16	1-1/14/07	29.63	—	14.41	15.22	5,400	450	0.6 J	360	590	—	16	ND<0.5	ND<0.5	ND<0.5	19 J	Isopropylbenzene (17) n-Propylbenzene (24) 1,3,5-Trimethylbenzene (93) 1,2,4-Trimethylbenzene (630) sec-Butylbenzene (2.0 J) p-Isopropyltoluene (3.0 J) Naphthalene (240) Acetone (9.0 J)
MW-17	03/02/98	—	31.40	20.53	—	54,000	7,400	12,000	430	6,300	240	—	—	—	—	—	
MW-17	06/04/98	—	31.40	14.42	—	59,000	8,000	8,700	270	8,100	280	—	—	—	—	—	
MW-17	08/31/98	—	31.40	23.43	—	ND	8	ND	1.4	6.69	ND	—	—	—	—	—	
MW-17	12/11/98	—	31.40	17.75	—	ND	0.96	ND	ND	ND	ND	—	—	—	—	—	
MW-17	02/08/99	—	31.04	15.22	—	330	5.1	2.9	8.2	44	8.4	—	—	—	—	—	
MW-17	05/20/99	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	
MW-17	08/11/99	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	
MW-17	11/17/99	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	
MW-17	02/08/00	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	
MW-17	05/24/00	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	

Notes:
ft-bmp = Feet below measuring point (notch in top of casing)

ft-msl = Feet above mean sea level

ug/L = micrograms per liter

ND = non detect at or below laboratory detection limit

J = Estimated value. Analyte detected between reporting limit and equal to or greater than the detection limit.

* The sample chromatographic pattern for TPH does not match the specified standard. Quantitation of the unknown hydrocarbon(s) in the sample was based upon the specified standard.

TPH-G = Total petroleum hydrocarbons as Gasoline

MTBE = Methyl Tertiary Butyl Ether

DPE = Di-Sorprend Ether

ETBE = Ethyl Tertiary Butyl Ether

TAME = Tertiary Amyl Methyl Ether

TBA = Tertiary Butanol

VOCs = Volatile Organic Compounds

— = not measured / not analyzed

n-Propylbenzene (5.0 J)
1,2,4-Trimethylbenzene (75)
1,3,5-Trimethylbenzene (7.0 J)
Naphthalene (23)

Mandane (1.390)
Sulfate (680,000)
ORP (620)

Ferrous Iron (2,500)

Methane (510)

Isopropylbenzene (4.0 J)

n-Propylbenzene (5.0 J)

1,3,5-Trimethylbenzene (4.0 J)

1,2,4-Trimethylbenzene (65)

Naphthalene (24)

Isopropylbenzene (17)

n-Propylbenzene (24)

1,3,5-Trimethylbenzene (93)

1,2,4-Trimethylbenzene (630)

sec-Butylbenzene (2.0 J)

p-Isopropyltoluene (3.0 J)

Naphthalene (240)

Acetone (9.0 J)

EXHIBIT 37



Ms. Geniece Higgins
Orange County Health Care Agency
Hazardous Materials Mitigation Section
1241 East Dyer Road
Santa Ana, California 92705

ARCADIS
3150 Bristol Street
Suite 250
Costa Mesa
California 92626
Tel 714 444 0111
Fax 714 444 0117
www.arcadis-us.com

Subject:
Quarterly Monitoring Report Submittal

ENVIRONMENTAL

Dear Ms. Higgins:

Date:
June 30, 2010

On behalf of Chevron Environmental Company (CEMC), ARCADIS is submitting the enclosed Second Quarter 2010 Groundwater Monitoring Report. The enclosed quarterly report was prepared for the following Chevron facility:

<u>Chevron Facility No.</u>	<u>OCHCA Case No.</u>	<u>Location</u>	
30-6631	89UT168	8971 Warner Avenue Huntington Beach, California	Date: June 30, 2010

If you have any questions, please call me at (714) 755-7257.

Email:
Lynleigh.Lowry@arcadis-us.com

Sincerely,

ARCADIS

Lynleigh Lowry, P.G. 7870
Senior Geologist



Copies:

Mr. Rob Speer, Chevron EMC (STRATA)
Ms. Nancy Olson-Martin, Santa Ana Regional Water Quality Control Board
Mr. Scott Knode, Property Owner

Imagine the result



Table 1. Current Groundwater Analyses and Gauging Results
 Chevron Environmental Management Company
 Chevron Service Station No. 30-6631
 8971 Warner Avenue, Huntington Beach, California

Well ID	Date Sampled	Screen Interval (ft bgs)	Top of Casing (ft MSL) (ft bgs)	Depth to GW (ft bgs)	GW Elevation (ft MSL)	Depth (ft bgs)	TPHg (µg/L)	Benzene (µg/L)	Toluene (µg/L)	Ethyl-xylenes (µg/L)	Total xylenes (µg/L)	MtBE (µg/L)	ETBE (µg/L)	DPE (µg/L)	TAME (µg/L)	TBA (µg/L)	Ethanol (µg/L)	Comments
Top of Casing Corrected with GeoTracker; cis-1,2-Dichloroethene: 1.4 µg/L Trichloroethane: 3.2 µg/L																		
MW-1	6/15/2010	10-40	29.33	10.50	18.83	38.88	ND<50	ND<50	ND<50	ND<50	ND<10	ND<5.0	ND<5.0	ND<5.0	ND<5.0	ND<10	ND<150	Top of Casing Corrected with GeoTracker; cis-1,2-Dichloroethene: 1.4 µg/L Trichloroethane: 3.2 µg/L
MW-2	6/15/2010	9-39	30.70	11.29	19.41	39.80	ND<50	ND<50	ND<50	ND<50	ND<10	ND<5.0	ND<5.0	ND<5.0	ND<5.0	ND<10	ND<150	Top of Casing Corrected with GeoTracker
MW-3	6/15/2010	9-39	30.09	10.48	19.61	38.09	ND<50	ND<50	ND<50	ND<50	ND<10	ND<5.0	ND<5.0	ND<5.0	ND<5.0	ND<10	ND<150	Top of Casing Corrected with GeoTracker
MW-4A	6/15/2010	9-39	31.08	12.43	18.65	26.35	ND<50	2.7	ND<50	1.2	6.6	ND<1.0	ND<5.0	ND<5.0	ND<5.0	ND<10	ND<150	Naphthalene: 1.4 µg/L
MW-5	6/15/2010	10-40	29.50	10.91	18.59	38.36	ND<50	ND<50	0.58	ND<50	ND<1.0	ND<1.0	ND<5.0	ND<5.0	ND<5.0	ND<10	ND<150	Top of Casing Corrected with GeoTracker; Trichloroethene: 1.4 µg/L
MW-6	6/15/2010	10-40	29.69	-	-	-	-	-	-	-	-	-	-	-	-	-	-	Unable to locate well
MW-7	6/15/2010	10-40	29.63	12.17	17.46	39.29	ND<50	8.5	ND<50	ND<50	2.0	2.1	ND<5.0	ND<5.0	ND<5.0	ND<10	ND<150	Top of Casing Corrected with GeoTracker; cis-1,2-Dichloroethene: 1.5 µg/L
MW-8	6/15/2010	10-40	30.96	14.49	16.47	39.11	ND<50	ND<50	ND<50	ND<50	ND<10	1.1	ND<5.0	ND<5.0	ND<5.0	ND<10	ND<150	Top of Casing Corrected with GeoTracker; n-Butylbenzene: 1.9 µg/L; sec-Butylbenzene: 1.5 µg/L; Naphthalene: 65 µg/L; n-Propylbenzene: 29 µg/L; 1,2,4-Trimethylbenzene: 7.8 µg/L; 1,3,5-Trimethylbenzene: 2.5 µg/L
MW-9	6/15/2010	10-40	29.82	14.05	15.77	39.97	ND<50	ND<50	ND<50	ND<50	ND<10	ND<5.0	ND<5.0	ND<5.0	ND<10	ND<150	Top of Casing Corrected with GeoTracker; cis-1,2-Dichloroethane: 5.1 µg/L; Trichloroethane: 7.6 µg/L	
MW-10	6/15/2010	10-40	29.61	16.15	13.46	40.11	470	50	ND<50	12	34	ND<1.0	ND<5.0	ND<5.0	ND<5.0	ND<10	ND<150	n-Butylbenzene: 5.5 µg/L; Naphthalene: 17 µg/L;
MW-11	6/15/2010	13-43	29.09	11.10	17.99	42.28	ND<50	ND<50	0.72	ND<50	ND<1.0	ND<1.0	ND<5.0	ND<5.0	ND<10	ND<150	Naphthalene: 65 µg/L; n-Propylbenzene: 29 µg/L; 1,2,4-Trimethylbenzene: 7.8 µg/L; 1,3,5-Trimethylbenzene: 2.5 µg/L	
MW-12	6/15/2010	13-43	29.24	13.34	15.90	42.71	ND<50	ND<50	ND<50	ND<50	ND<10	ND<5.0	ND<5.0	ND<5.0	ND<10	ND<150	Top of Casing Corrected with GeoTracker; cis-1,2-Dichloroethene: 1.4 µg/L; Trichloroethane: 3.2 µg/L	
MW-13A	6/15/2010	15-30	28.94	13.29	15.65	27.29	270	3.4	ND<50	3.5	1.3	8.0	ND<5.0	ND<5.0	ND<5.0	13	ND<150	Isopropylbenzene: 5.5 µg/L; Naphthalene: 3.8 µg/L; n-Propylbenzene: 5.8 µg/L
MW-14	6/15/2010	4-29	28.61	14.36	14.25	28.89	480	ND<50	ND<50	ND<50	ND<1.0	ND<1.0	ND<5.0	ND<5.0	ND<10	ND<150	sec-Butylbenzene: 1.5 µg/L	
MW-15	6/15/2010	5-30	28.58	15.17	13.41	29.30	ND<50	ND<50	ND<50	ND<50	ND<1.0	ND<1.0	ND<5.0	ND<5.0	ND<10	ND<150	Top of Casing Corrected with GeoTracker	

EXHIBIT 38



Infrastructure, environment, buildings

Ms. Geniece Higgins
Orange County Health Care Agency
Hazardous Materials Mitigation Section
1241 East Dyer Road
Santa Ana, California 92705

ARCADIS:
3150 Bristol Street
Suite 250
Costa Mesa
California 92626
Tel 714 444 0111
Fax 714 444 0117
www.arcadis-us.com

ENVIRONMENTAL

Subject:
Fourth Quarter 2010 – Quarterly Monitoring Report – Depth Discrete Sampling
Submittal

Dear Ms. Higgins:

Date:
January 12, 2011

On behalf of Chevron Environmental Company (CEMC), ARCADIS is submitting the
enclosed report for the following Chevron facility:

Contact:
Chris Ota

<u>Chevron Facility No.</u>	<u>OCHCA Case No.</u>	<u>Location</u>	
30-6631	89UT168	8971 Warner Avenue Huntington Beach, California	 Phone: 714.755.7220 Email: Chris.Ota@ arcadis-us.com

If you have any questions, please call me at (714) 755-7220.

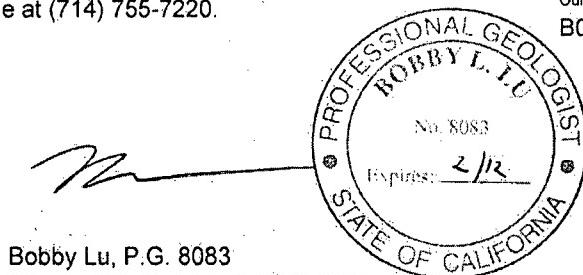
Our ref:
B0060901.6631

Sincerely,

ARCADIS

A handwritten signature of Christopher A. Ota.

Christopher A. Ota
Project Scientist



Bobby Lu, P.G. 8083
Principal Environmental Scientist

Copies:

Mr. Rob Speer, Chevron EMC (STRATA)
Ms. Nancy Olson-Martin, Santa Ana Regional Water Quality Control Board
Mr. Scott Knode, Property Owner



Imagine the result

Table 1. Current Groundwater Gauging and Analytical Results
Chevron Environmental Management Company
Former Chevron Service Station No. 30-6631
8971 Warner Avenue, Huntington Beach, California

Sample/ Well ID	Date Sampled	Screen (ft bgs)	Interval (ft bgs)	TOC (ft MSL)	DTGW (ft bTOC)	Elevation (ft MSL)	GTW (ft bTOC)	DTB (ft bTOC)	TPH-g ($\mu\text{g/L}$)	Benzene ($\mu\text{g/L}$)	Toluene ($\mu\text{g/L}$)	Ethyl- benzene ($\mu\text{g/L}$)	Total xylenes ($\mu\text{g/L}$)	MTBE ($\mu\text{g/L}$)	ETBE ($\mu\text{g/L}$)	DPE ($\mu\text{g/L}$)	TAME ($\mu\text{g/L}$)	TBA ($\mu\text{g/L}$)	Ethanol ($\mu\text{g/L}$)	Comments
MW-4A	12/9/2010	9-39	31,08	11.42	19.66	26.32	77	1.0	ND<0.50	5.7	23	ND<1.0	ND<5.0	ND<10	ND<10	ND<150	ND<10	ND<150		
MW-6	12/9/2010	10-40	29,69	11.88	17.81	37.32	ND>50	ND<0.50	ND<0.50	ND<1.0	ND<1.0	ND<1.0	ND<5.0	ND<5.0	ND<10	ND<10	ND<150	ND<150		
MW-7-17	12/9/2010	10-40	29,63	11.24	18.39	39.32	ND>50	ND<0.50	ND<0.50	ND<1.0	ND<1.0	ND<1.0	ND<5.0	ND<5.0	ND<10	ND<10	ND<150	ND<150		
MW-7-22	12/9/2010	10-40	29,63	11.24	18.39	39.32	ND>50	ND<0.50	ND<0.50	ND<1.0	ND<1.0	ND<1.0	ND<5.0	ND<5.0	ND<10	ND<10	ND<150	ND<150		
MW-7-26	12/9/2010	10-40	29,63	11.24	18.39	39.32	ND>50	ND<0.50	ND<0.50	ND<1.0	ND<1.0	ND<1.0	ND<5.0	ND<5.0	ND<10	ND<10	ND<150	ND<150		
MW-7-38	12/9/2010	10-40	29,63	11.24	18.39	39.32	ND>50	ND<0.50	ND<0.50	ND<1.0	ND<1.0	ND<1.0	ND<5.0	ND<5.0	ND<10	ND<10	ND<150	ND<150		
MW-10-17	12/9/2010	10-40	29,61	13.91	13.91	39.74	730	140	1.1	13	8.0	ND>2.0	ND<1.0	ND<10	ND<10	ND<20	ND<10	ND<150		
MW-10-22	12/9/2010	10-40	29,61	15.70	13.91	39.74	520	110	1.0	9.4	3.0	ND<1.0	ND<5.0	ND<10	ND<10	ND<150	ND<10	ND<150		
MW-10-26	12/9/2010	10-40	29,61	15.70	13.91	39.74	330	61	0.64	5.1	1.7	ND<1.0	ND<5.0	ND<10	ND<10	ND<150	ND<10	ND<150		
MW-10-38	12/9/2010	10-40	29,61	15.70	13.91	39.74	210	29	ND<0.50	2.2	ND<1.0	ND<1.0	ND<5.0	ND<10	ND<10	ND<10	ND<150	ND<10	ND<150	
MW-13A-17	12/9/2010	15-30	28,94	12.83	16.11	27.43	340	4.0	ND<0.50	ND<0.50	ND<1.0	1.8	ND<5.0	ND<10	ND<10	ND<10	ND<150	ND<10	ND<150	
MW-13A-22	12/9/2010	15-30	28,94	12.83	16.11	27.43	320	3.0	ND<0.50	ND<0.50	ND<1.0	1.8	ND<5.0	ND<10	ND<10	ND<10	ND<150	ND<10	ND<150	
MW-13A-26	12/9/2010	15-30	28,94	12.83	16.11	27.43	330	2.9	ND<0.50	ND<0.50	ND<1.0	2.0	ND<5.0	ND<10	ND<10	ND<10	ND<150	ND<10	ND<150	
MW-14-17	12/9/2010	4-29	28,61	14.83	13.78	28.89	ND>50	5.4	ND<0.50	ND<0.50	ND<1.0	1.3	ND<1.0	ND<10	ND<10	ND<10	ND<150	ND<10	ND<150	
MW-14-22	12/9/2010	4-29	28,61	14.83	13.78	28.89	ND>50	1.2	ND<0.50	ND<0.50	ND<1.0	ND<1.0	ND<5.0	ND<10	ND<10	ND<10	ND<150	ND<10	ND<150	
MW-14-26	12/9/2010	4-29	28,61	14.83	13.78	28.89	53	ND>0.50	ND<0.50	ND<1.0	ND<1.0	ND<1.0	ND<5.0	ND<5.0	ND<10	ND<10	ND<150	ND<10	ND<150	
MW-16-17	12/9/2010	16-31	29,63	10.43	19.20	30.54	4,400	11	ND<0.50	120	ND<10	ND<10	ND<50	ND<100	ND<100	ND<100	ND<150	ND<100	ND<150	
MW-16-22	12/9/2010	16-31	29,63	10.43	19.20	30.54	4,100	9.7	ND<0.50	93	ND<10	ND<10	ND<50	ND<100	ND<100	ND<100	ND<150	ND<100	ND<150	
MW-16-26	12/9/2010	16-31	29,63	10.43	19.20	30.54	3,900	8.8	ND<0.50	84	ND<10	ND<10	ND<50	ND<100	ND<100	ND<100	ND<150	ND<100	ND<150	
Top Blank	12/9/2010	—	—	—	—	—	ND>50	ND<0.50	ND<0.50	ND<1.0	ND<1.0	ND<1.0	ND<5.0	ND<5.0	ND<10	ND<10	ND<150	ND<10	ND<150	

Notes:

bgs = Feet below ground surface
TOC = Top of Casing
MSL = Feet above mean sea level

DTGW = Depth to Groundwater

bTOC = Below top of casing

DTB = Depth to bottom

TPH-g = Total petroleum hydrocarbons as gasoline analyzed by gas chromatography/mass spectrometry (GC/MS) by EPA Method 8260B

MTBE = Methyl tert-butyl ether analyzed by EPA Method 8260B

ETBE = Ethyl tert-butyl ether analyzed by EPA Method 8260B

DPE = Diisopropyl ether analyzed by EPA Method 8260B

TAME = Ter-allyl methyl ether analyzed by EPA Method 8260B

TBA = Tert-butanol analyzed by EPA Method 8260B

ND<0.50 = Not detected at or above the stated limit

EPA = environmental protection agency

Benzene, toluene, ethylbenzene, and total xylenes (collectively termed BTEX) analyzed by EPA Method 8260B

Wells MW-1 through MW-3, MW-5, MW-8, MW-9, MW-11, MW-12, and MW-15 not sampled during 4Q10 per agency approval letter dated December 6, 2010.

EXHIBIT 39

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



In re: Methyl *tertiary* Butyl Ether ("MtBE")
Products Liability Litigation

Master File No. 1:00-1898
MDL No. 1358 (SAS)

This Document Relates To:

Orange County Water District v. Unocal, et al.,
04 Civ. 4968

DEFENDANT UNION OIL COMPANY OF CALIFORNIA'S RESPONSE TO CMO #75

1. In response to CMO # 75 and the request of Plaintiff Orange County Water District, Defendant Union Oil Company of California ("Union Oil") submits the following response to CMO #75. Union Oil's response here is limited to its ownership or lease of USTs that were used to store gasoline during the relevant time period. For the purposes of the above styled action, the relevant time period is 1986 to 2003. Union Oil's response is also limited to its ownership or lease of the real property and USTs at the Focus Plume Sites. Subject to and without waiver of the above limitations, Union Oil responds as follows:

2. As a result of the 1997 divestiture to Tosco and the passage of time, Union Oil no longer has access to certain information and documents sought by these requests. For example, Union Oil has very few records pertaining to the following service stations that were acquired by Tosco Corporation in 1997: Unocal #5226 and Unocal #5792. Upon information and belief, certain records pertaining to these sites may be in the possession of Tosco or its successors. Union Oil's records pertaining to Unocal #5399, Unocal #5376, and Unocal #5123 are similarly limited, as Union Oil closed these service stations in the early 1990's.



3. **Unocal #5376, 8971 Warner Ave., Huntington Beach.** Union Oil owned the USTs at the subject site from a date prior to 1986 until approximately January 1993 when the tanks were removed. Unocal owned the real property at 8971 Warner Ave. from a date prior to 1986. The station at this location was closed in March 1992.

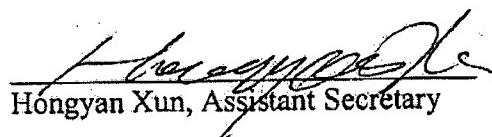
4. **Unocal #5399, 9525 Warner Ave., Fountain Valley.** Union Oil owned the USTs at the subject site from a date prior to 1986 until approximately January 1994 when the tanks were removed. Unocal owned the real property at 9525 Warner Ave. from a date prior to 1986 until approximately 1998.

5. **Unocal #5123, 14972 Springdale St., Huntington Beach.** Union Oil owned the USTs at the subject site from a date prior to 1986 until approximately 1994 when the tanks were removed. Unocal owned the real property at 14972 Springdale St. from a date prior to 1986. The station at this location was demolished in approximately 1994.

6. No one person for Union Oil knows all of the matters stated herein, and therefore this declaration was prepared with the assistance and advice of representatives of, and counsel for, said Union Oil upon whose assistance and advice I have relied. This declaration is limited by the records and information still in existence, presently recollected, and thus far discovered.

I declare under penalty of perjury that the foregoing is true and correct.

Executed at San Ramon, California, this 21st day of July, 2010.



Hongyan Xun, Assistant Secretary

CERTIFICATE OF SERVICE

I hereby certify that on the 22 day of July 2010, a true, correct, and exact copy of the foregoing document was served on all counsel via LexisNexis File & Serve.

Jeremiah J. Anderson by permission
Jeremiah J. Anderson
J. Kilpatrick

EXHIBIT 40

Deposition of Sang U. Kwon / August 23, 2010

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ORANGE COUNTY WATER DISTRICT,)
)
Plaintiff,)
)
VS.) Case No. 04 CIV. 4968
)
UNOCAL CORPORATION, et al.,)
)
Defendants.)
)

VIDEOTAPED DEPOSITION of SANG U. KWON,
taken on behalf of the Plaintiff, at 650 Town Center
Drive, Fourth Floor, in the City of Costa Mesa,
California, commencing at 1:11 p.m., on Monday,
August 23, 2010, before Denise Paholski, Certified
Shorthand Reporter No. 10742 in the State of
California.

--oo--



Deposition of Sang U. Kwon / August 23, 2010

<p style="text-align: center;">Page 2</p> <p>1 APPEARANCES: 2 For the Plaintiff ORANGE COUNTY WATER DISTRICT: 3 LAW OFFICES OF MILLER, AXLINE & SAWYER 4 BY: JUSTIN MASSEY, ESQ. 5 1050 Fulton Avenue, Suite 100 Sacramento, California 95825 (916) 488-6688</p> <p>6 For the Defendants CHEVRON CORPORATION, including 7 UNION OIL COMPANY OF CALIFORNIA and UNOCAL CORPORATION:</p> <p>8 KING & SPALDING, LLP 9 BY: SAMUEL DAVIS, ESQ. (via speakerphone) 10 1100 Louisiana, Suite 4000 Houston, Texas 77002 (713) 276-7304</p> <p>11 For the Defendant LYONDELL CHEMICAL COMPANY: 12 BLANK ROME LLP 13 BY: MICHAEL MURPHY, ESQ. (via speakerphone) One Logan Square 14 130 North 18th Street Philadelphia, Pennsylvania 19103 (215) 569-5500</p> <p>15 Also present: 16 Joshua Headrick, Videography Technician 17 Raymond B. Oh, Korean Interpreter</p> <p>18 19 20 21 22 23 24 25</p>	<p style="text-align: center;">Page 4</p> <p>1 COSTA MESA, CALIFORNIA - MONDAY, AUGUST 23, 2010 2 1:11 P.M. 3 -oOo-</p> <p>4</p> <p>5 THE VIDEOGRAPHER: Good afternoon. Here 6 begins Videotape No. 1, Volume I in the deposition 7 of Sang Kwon, in the matter of Methyl Tertiary Butyl 8 Ether Products Liability Litigation, in the United 9 States District Court, Southern District of New 10 York, Master File No. 1:00-1898, MDL 1358(SAS), 11 M21-88, also in the matter of Orange County Water 12 District v. Unocal Corporation, et al., Case No. 04 13 Civ. 4968.</p> <p>14 Today's date is August 23rd, 2010. The 15 time is approximately 1:11 p.m. This deposition is 16 being taken at 650 Town Center Drive, Costa Mesa, 17 California. The court reporter producing the 18 official transcript of today's testimony is Denise 19 Paholski of Depobook Court Reporting Services, (800) 20 830-8885. The videographer is Joshua Headrick, also 21 of Depobook.</p> <p>22 Would counsel please identify yourselves 23 and state whom you represent.</p> <p>24 MR. MASSEY: Justin Massey for the 25 plaintiff, Orange County Water District. On the</p>																																			
<p style="text-align: center;">Page 3</p> <p>1 INDEX</p> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 30%;">WITNESS:</th> <th style="width: 40%;">PAGE</th> </tr> </thead> <tbody> <tr> <td>Sang U. Kwon</td> <td></td> </tr> <tr> <td> Examination by Mr. Massey</td> <td>5, 160</td> </tr> <tr> <td> Examination by Mr. Davis</td> <td>146</td> </tr> </tbody> </table> <p>8 EXHIBITS FOR IDENTIFICATION</p> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 20%;">NUMBER</th> <th style="width: 50%;">DESCRIPTION</th> <th style="width: 30%;">PAGE</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>- Notice of Deposition of Sang U. Kwon with Production of Documents and Videotaping, 13 pages</td> <td>13</td> </tr> <tr> <td>2</td> <td>- Site Plan Bates-stamped UOC 118320</td> <td>27</td> </tr> <tr> <td>3</td> <td>- Document dated October 15th, 1992 from Alton Geoscience, Bates-stamped UOC 19979 through UOC 19992</td> <td>80</td> </tr> <tr> <td>4</td> <td>- Letter from County of Orange Health Care Agency to Tufan Inc, dated 4/15/87, Bates-stamped UOC 121742, 121743 and 121744</td> <td>89</td> </tr> <tr> <td>5</td> <td>- Tank Closure Report</td> <td>122</td> </tr> <tr> <td>6</td> <td>- Document from Alton Geosciences dated 8/10/95, Bates-stamped UOC 118322 through UOC 118329</td> <td>126</td> </tr> <tr> <td>7</td> <td>- Environmental Clean-Up Authority Proposal, dated 7/15/94, Bates-stamped UOC 121767 through 121770</td> <td>128</td> </tr> <tr> <td>8</td> <td>- Hand drawn depiction by witness at deposition, 1 page</td> <td>146</td> </tr> </tbody> </table>	WITNESS:	PAGE	Sang U. Kwon		Examination by Mr. Massey	5, 160	Examination by Mr. Davis	146	NUMBER	DESCRIPTION	PAGE	1	- Notice of Deposition of Sang U. Kwon with Production of Documents and Videotaping, 13 pages	13	2	- Site Plan Bates-stamped UOC 118320	27	3	- Document dated October 15th, 1992 from Alton Geoscience, Bates-stamped UOC 19979 through UOC 19992	80	4	- Letter from County of Orange Health Care Agency to Tufan Inc, dated 4/15/87, Bates-stamped UOC 121742, 121743 and 121744	89	5	- Tank Closure Report	122	6	- Document from Alton Geosciences dated 8/10/95, Bates-stamped UOC 118322 through UOC 118329	126	7	- Environmental Clean-Up Authority Proposal, dated 7/15/94, Bates-stamped UOC 121767 through 121770	128	8	- Hand drawn depiction by witness at deposition, 1 page	146	<p style="text-align: center;">Page 5</p> <p>1 phone?</p> <p>2 MR. MURPHY: Mike Murphy, Blank Rome, LLP, 3 for Liondell.</p> <p>4 MR. DAVIS: Samuel Davis, with King and 5 Spalding, for the Chevron defendants.</p> <p>6 THE VIDEOGRAPHER: Would the court 7 reporter please swear in the witness.</p> <p>8</p> <p>9 RAYMOND B. OH, 10 having been first duly administered the oath, was 11 called as an interpreter to interpret English into 12 Korean and Korean into English, and;</p> <p>13</p> <p>14 SANG U. KWON, 15 called as a Witness by and on behalf of the 16 Plaintiff, and having been first duly sworn by the 17 Deposition Officer, was examined and testified as 18 follows:</p> <p>19</p> <p>20 EXAMINATION</p> <p>21 BY MR. MASSEY:</p> <p>22 Q Good afternoon, Mr. Kwon.</p> <p>23 A Hello.</p> <p>24 Q Would you state your name and spell your 25 name for the record.</p>
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2 (Pages 2 to 5)

Deposition of Sang U. Kwon / August 23, 2010

	Page 6	Page 8
1	A Last name first or first name first?	under penalty of perjury as if we were in a court of
2	Q First name first.	law?
3	A Sang U. Kwon, K-w-o-n.	A Yes.
4	Q And your first name is S-a-n-g, correct?	Q It's important -- as you see, we have a
5	A Yes.	court reporter here -- that she be able to write
6	Q What is your home address?	down everything you say and everything I say. And
7	A 2145 Flame Flower Lane, Fullerton,	so I would ask you to allow me to finish my
8	California 92833.	question, even if you know what I'm going to ask,
9	Q And that's Flame Thrower Lane?	before you begin your answer.
10	A Flame Flower Lane.	Do you understand that?
11	Q Flame Flower Lane.	A Yes.
12	A Lane.	Q It's also important that you give verbal
13	Q And what is your home phone number?	responses. So if I ask you a yes or no question,
14	A It has been a while. I recently just	for example, rather than nodding your head, you say
15	changed my phone number, so. (714) 736-0787.	yes or no.
16	Q And do you plan to stay at that residence	Do you understand that?
17	indefinitely?	A Yes.
18	A Sure, and up to now.	Q It's also important that you understand my
19	Q And do you plan to keep that phone number	questions. If you don't understand my question at
20	indefinitely?	any time, let me know and I will clarify it or
21	A Yes.	restate it.
22	Q We're here primarily to talk about the gas	A Yes.
23	station at 14972 Springdale Street in Huntington	Q We're entitled to your best recollection
24	Beach.	of the time period that you owned the station but I
25	Did you operate that station?	don't want you to guess. If I ask you a question
	Page 7	Page 9
1	A No.	and you don't recall or don't have any information
2	Q Did you operate a station on Springdale	about what I'm asking about, you can just let me
3	Street in Huntington Beach?	know that you don't know.
4	A A long time ago, yes.	A Yes, yes.
5	Q Okay. What was the address?	Q From time to time some of the lawyers on
6	A (In English) 14972 Springdale, Huntington	the phone may make objection to my question. If
7	Beach.	that happens, allow them to make their objections
8	Q And do you recall whether that station was	for the record and then you may answer the question.
9	designated by Unocal as Station No. 5123?	A Yes.
10	A (In English) 5123, 5123.	Q When we're done, you will have a chance to
11	Q Okay. And what years did you operate that	review a draft of the transcript and make any notes
12	station?	where you think the transcript has not accurately
13	A It was probably 1982 or '83. I think '82	transcribed your testimony.
14	is more accurate. And in 1994, it was around the	A Yes.
15	summer of '94, I passed a key on to someone. To the	Q I just want you to know that when you go
16	company.	through the transcript, if you make any changes, be
17	Q Okay. And we'll talk in more detail about	sure they are changes designed to reflect accurately
18	that station. Before we do, I want to go over some	your testimony here today because any changes you
19	of the basic ground rules so you know how we'll go	make could affect your credibility as a witness if
20	forward today.	your deposition is used at trial.
21	Have you ever had your deposition taken	A Yes.
22	before?	Q Are you under the influence of any
23	A No, never.	medications, drugs or alcohol that would prevent you
24	Q You understand that you just took an oath	from giving clear and accurate testimony?
25	to tell the truth and that your testimony here is	A No.

3 (Pages 6 to 9)

Deposition of Sang U. Kwon / August 23, 2010

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<p>1 specific station.</p> <p>2 MR. MASSEY: Well, I think there was some</p> <p>3 specific testimony about specific spills but also a</p> <p>4 broader subject of talking about the general</p> <p>5 process.</p> <p>6 Q Did you understand the questions I've been</p> <p>7 asking about your procedures for responding to</p> <p>8 spills and for maintaining the station on a</p> <p>9 day-to-day basis to be about this particular station</p> <p>10 in Huntington Beach that you operated?</p> <p>11 A Yes.</p> <p>12 Q Okay. And throughout the time that you</p> <p>13 leased that station, did you repair cars in the</p> <p>14 service bays?</p> <p>15 A No.</p> <p>16 Q Did you have employees who did?</p> <p>17 A No.</p> <p>18 Q Was somebody else operating an auto shop</p> <p>19 on the station?</p> <p>20 A Before I take them over, that station,</p> <p>21 they have repair car and they serve gas. I don't</p> <p>22 know who, but then that man go away, that station</p> <p>23 was complete closed. That's why I take them over.</p> <p>24 Q And was any part of the station replaced</p> <p>25 or changed in any way between the time that the</p>	<p>1 Q Did Union Oil own the building where</p> <p>2 the --</p> <p>3 A Yeah.</p> <p>4 Q Did they own the underground storage</p> <p>5 tanks?</p> <p>6 A I think so.</p> <p>7 Q Did they own the dispensers?</p> <p>8 A Yes.</p> <p>9 Q And did they own the product lines</p> <p>10 which --</p> <p>11 A Yes, yes.</p> <p>12 Q -- connected the tanks to the dispensers?</p> <p>13 Okay. Did you have any responsibility for</p> <p>14 maintaining the underground storage tanks?</p> <p>15 A Uh-uh.</p> <p>16 Q Did you have any responsibility for</p> <p>17 maintaining --</p> <p>18 MR. DAVIS: Object. Mr. Massey, I think</p> <p>19 he's kind of falling into this "uh-huh" and "uh-uh"</p> <p>20 stuff. Maybe that's just what I'm hearing over the</p> <p>21 phone. But if I could just remind the witness to</p> <p>22 try and say yes or no on these questions, I think it</p> <p>23 will make a more clear record.</p> <p>24 MR. MASSEY: Okay.</p> <p>25 Q Yeah, it's hard to remember all these</p>
<p style="text-align: center;">Page 67</p> <p>1 prior operator left the station and you took over?</p> <p>2 A No, there's nothing changed.</p> <p>3 Q Okay. And so the part of the station</p> <p>4 where the hoists were and the auto shop was just</p> <p>5 empty?</p> <p>6 A Empty. They closed.</p> <p>7 Q So nothing took place during that part of</p> <p>8 the station throughout the time that you leased the</p> <p>9 station?</p> <p>10 A No.</p> <p>11 Q Okay. Were the underground storage tanks</p> <p>12 replaced during the time that you were at the</p> <p>13 station?</p> <p>14 A Uh-uh.</p> <p>15 MR. DAVIS: Was that a no?</p> <p>16 MR. MASSEY: He said no, yes.</p> <p>17 BY MR. MASSEY:</p> <p>18 Q You meant no?</p> <p>19 A No.</p> <p>20 Q Do you recall ever -- well, let me first</p> <p>21 ask the question.</p> <p>22 Did Mobile own -- strike that.</p> <p>23 Did Union Oil own the real property, the</p> <p>24 real estate on which the station sat?</p> <p>25 A That I don't know. That I don't know.</p>	<p style="text-align: center;">Page 69</p> <p>1 things because it's not the way we normally talk,</p> <p>2 but if you can say yes or no.</p> <p>3 MR. DAVIS: And his answer was no to the</p> <p>4 question about whether or not he had any</p> <p>5 responsibility for maintaining the tanks; am I</p> <p>6 right?</p> <p>7 BY MR. MASSEY:</p> <p>8 Q Did you have any responsibility for</p> <p>9 maintaining the underground storage tanks?</p> <p>10 A Responsibility is Union Oil, not me.</p> <p>11 Q Okay. Union Oil had the responsibility --</p> <p>12 A Yes.</p> <p>13 Q -- for the tanks?</p> <p>14 A Yes.</p> <p>15 Q Not you as the dealer?</p> <p>16 A Yes. Because something happened at tank,</p> <p>17 we report to the Union Oil and they got order to</p> <p>18 repair it or -- you know.</p> <p>19 Q Okay. And was Union Oil also responsible</p> <p>20 for maintaining the product lines between the tanks?</p> <p>21 A Yes.</p> <p>22 Q And Union Oil was responsible for</p> <p>23 maintaining the dispensers?</p> <p>24 A Yes.</p> <p>25 Q Did you have any responsibility as the</p>

Deposition of Sang U. Kwon / August 23, 2010

<p style="text-align: right;">Page 70</p> <p>1 dealer for the dispensers; for example, the nozzles 2 and hoses on the outside of the dispensers?</p> <p>3 A Dealer responsibility is there is a hose 4 crack or a hose broke or nozzle broke. All those is 5 dealer responsible.</p> <p>6 Q Okay. Did you also have to replace the 7 fuel filters on the dispensers?</p> <p>8 A Fuel filter is not our responsibility. 9 That's Union Oil. We call the maintenance.</p> <p>10 Q Did you ever see one of the tops off of 11 the dispensers while somebody from the company was 12 working on it or one of their contractors were doing 13 any repairs or replacing any parts?</p> <p>14 A Say it again.</p> <p>15 Q Do you recall any instances where somebody 16 was out working on the dispensers and they had the 17 top off and you could see the inside of it?</p> <p>18 A Do I seen them?</p> <p>19 Q Yes.</p> <p>20 A Yeah, I seen them.</p> <p>21 Q Do you recall whether it was dirt 22 underneath the dispenser that you could see?</p> <p>23 A Yeah, there is a dirt. Like kind of sand.</p> <p>24 Q Was there a containment pan underneath it 25 to catch any leaks of gas or was it just dirt</p>	<p style="text-align: right;">Page 72</p> <p>1 A Yeah, maybe -- when warm weather comes one 2 time or two time, whenever the rains in rain season, 3 we have to watch it. So maybe that time is maybe 4 two, three time.</p> <p>5 Q So two to three times a year?</p> <p>6 A Yeah.</p> <p>7 Q During the raining season?</p> <p>8 A Yeah. If hard rain, it goes to on the gas 9 tank, easy to water go in it.</p> <p>10 Q And does that indicate that there's a 11 problem with the seals on the surface at the fuel 12 tube or with the dispensers or anything else, if 13 rain's getting into the tanks?</p> <p>14 A Well, if a lot of rains, like you pool the 15 water, there is a tank cap. Maybe that goes through 16 the cap. Or, or even if not done, if that tank is 17 getting old, say many years, it's wet inside. It 18 created water in self. Then the water is heavy than 19 the gas and the water is under.</p> <p>20 Q And how does a tank create water if it's 21 old? You mean by condensation?</p> <p>22 A Condensation?</p> <p>23 THE INTERPRETER: Condensation.</p> <p>24 BY MR. MASSEY:</p> <p>25 Q Condensation.</p>
<p style="text-align: right;">Page 71</p> <p>1 underneath the dispenser?</p> <p>2 A There is no pan. There is a sand, dirt.</p> <p>3 Q Did the company ever send anybody to come 4 out and test the underground storage tanks?</p> <p>5 A Yes, they do.</p> <p>6 Q How often would they do that?</p> <p>7 A We report when in the rain seasons. And 8 if water going to turbine or water tank -- I mean 9 not the water tank -- the gas tank, maybe go in, 10 water inside the tank. So at least two, three time 11 a week, whoever measures that depth of tank check 12 the water. If there is more than -- a water level 13 more than was supposed to, that goes in the report 14 immediately to the maintenance company and they come 15 and get the water drain out.</p> <p>16 Q And how many times did that happen where 17 you called the company to report that there was more 18 water in the tanks than should have been there?</p> <p>19 A Maybe -- I don't think -- not all the 20 time. It's maybe many years' time. You know? Only 21 rainy season we have to watch it. It could be that 22 water goes to in the customer car. So that's our 23 job. That's our responsibility.</p> <p>24 Q And did you -- did that happen multiple 25 times a year during the raining season or once --</p>	<p style="text-align: right;">Page 73</p> <p>1 A What is a condensation? (Witness confers with Interpreter.)</p> <p>2 Q While he's looking it up, I'll try to 3 describe it for you.</p> <p>4 THE INTERPRETER: Apchuk.</p> <p>5 THE WITNESS: Apchuk, yeah.</p> <p>6 BY MR. MASSEY:</p> <p>7 Q That's what you mean? That's how the 8 water gets into an old tank sometimes?</p> <p>9 A It created inside for self.</p> <p>10 Q Okay. Let me ask you specifically. Did 11 the company ever send somebody out to test the tanks 12 for tightness where you had to shut down the station 13 for a few hours and they would run tests on the 14 tanks to make sure --</p> <p>15 A Yeah.</p> <p>16 Q -- they contained the gas that was in --</p> <p>17 A They check the -- when they check the tank 18 and between the tank to the pump.</p> <p>19 Q The lines? The lines check?</p> <p>20 A The lines. And it can take sometime four 21 hours. Yeah.</p> <p>22 Q Would that happen on a regular schedule, 23 every half year or every few months?</p> <p>24 A No. Maybe every year. Not all the time.</p>

19 (Pages 70 to 73)

Deposition of Sang U. Kwon / August 23, 2010

	Page 102	Page 104
1	Get the other one, other nozzle and old one.	1 A Or engine drop any engine oil. All those.
2	Q And same with the hoses, would you just	2 Q Okay. See if you can allow me to finish
3	replace them --	3 my question. I just want to clarify. So the rule
4	A Yeah.	4 was in terms of cleaning up a fuel spill, not water
5	Q -- rather than try to fix them?	5 but either the mop or the sand?
6	A Mm-hmm. You cannot fix it anyway. I	6 A Sand.
7	don't have those kind equipment.	7 MR. DAVIS: Objection. Asked and
8	Q All right. And if your nozzle didn't	8 answered.
9	automatically shut off, would it overfill somebody's	9 BY MR. MASSEY:
10	gas tank and that's how you would know that it	10 Q And was it AQMD's rule that the sand, once
11	needed to be replaced?	11 it had been scooped up after it had be used, would
12	A If that nozzle, it doesn't work, it cannot	12 be left in an open container to evaporate?
13	overfill because already the shutoff handle is not	13 A Yeah.
14	working so you cannot pump anyway.	14 Q Did the nozzles drip at the station while
15	Q And did you ever have any times when the	15 you were leasing it?
16	hoses were cracked or there was a hole in it and the	16 A Not all the time. Once in a while. Once
17	gas leaked out?	17 in a time they do, yeah. Not whole lot drip. Just
18	A There is no gas leaking. I just see that	18 if a customer leave gasoline, some of them. They
19	there is any leak, any crack, just replace them.	19 didn't drip them all. So sometime when people busy,
20	Q Okay. Did you have a way of keeping	20 they just leave. And whoever comes, he pull out the
21	records when you weren't at the station for any time	21 nozzle like that, he drip a few drips. It don't
22	that sand was needed when you had a fuel spill to be	22 happen very often.
23	put out and cleaned up? Did your employees have	23 Q So sometimes if a customer was in a rush
24	like a log, for example, where they would record	24 and pulled their nozzle out pretty quickly --
25	fuel spill and they cleaned it up using the sand?	25 A Yes.
	Page 103	Page 105
1	A No, no. They just call me.	1 Q -- some drips would fall on the ground?
2	Q If it was a big enough spill?	2 A Yeah, mm-hmm. Or a customer, he knew or
3	A Yeah. If big enough to spill and just put	3 he don't know, whatever, he grabs the nozzle,
4	the whole sand. Get the soaking up.	4 accidentally he can pull the trigger. Shoot, right?
5	Q But they wouldn't call you about every	5 That maybe nearly happened. Yeah.
6	little spill?	6 Q So somebody would accidentally pull the
7	A No.	7 trigger on the nozzle before it was in their car and
8	Q They would just call you --	8 a little bit of gas would shoot out?
9	A The small spills, just a dry map (sic).	9 A Yeah, yeah. He make mistake. That is not
10	Q The mop?	10 all the time. Sometime it could be happen and you
11	A Yeah, mop. See, in my shop, our operation	11 have to wash with water quickly.
12	is every station I owned -- and you know there is an	12 Q And how often would the type of drip where
13	AQMD. You know AQMD?	13 the customer would be in a rush and pull it out too
14	Q Air Quality --	14 fast happen?
15	A Air Quality Management.	15 A Not for many years. Sometime. I see one
16	Q Yeah.	16 time. Not that station, uh-uh.
17	A Their rule: Supposed to be each station	17 Q But did that happen as a regular part of
18	dry mop, bucket sand have to be in an island. And	18 the gasoline business --
19	also the oil company, they told us, too, no water.	19 A Yeah.
20	That's what I know I did.	20 Q -- that some drips come out of the nozzle
21	Q For cleaning up a spill of fuel?	21 in the process of filling up people's cars?
22	A Yes.	22 A Yeah.
23	Q No water --	23 Q And did that happen at the Huntington
24	A Yeah.	24 Beach station?
25	Q -- it was the sand or the mop:	25 A Not the Huntington Beach station.

Deposition of Sang U. Kwon / August 23, 2010

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1 LETTER TO DEPOSITION OFFICER - ERRATA SHEET

2 Legend

3 Reason #1: For clarification

4 Reason #2: Transcription error

5 Reason #3: Requested information

6 Reason #4: To further expound on answer

7 Reason #5: Other (please explain)

8 PAGE# LINE# CORRECTION REASON FOR CORRECTION

9
10
11
12
13
14
15
16
1718 I, the undersigned, declare under penalty of
perjury that I have read the above-referenced
deposition transcript and have made any corrections,
additions, or deletions that I was desirous of
making and that the transcript contains my true and
correct testimony.

19 EXECUTED this ____ day of _____, 20____

20 at _____
(city) (state)21
22
23
24
25
(deponent)

1 STATE OF CALIFORNIA)

2) SS

3 COUNTY OF ORANGE)

4 I, DENISE PAHOLSKI, CSR, No. 10742, a
5 Certified Shorthand Reporter in and for said County
6 and State, do hereby certify:7 That prior to being examined, the witness
8 named in the foregoing deposition, SANG U. KWON, by
9 me was duly sworn to testify the truth, the whole
10 truth, and nothing but the truth;11 That said deposition was taken down by me
12 in shorthand at the time and place therein named and
13 thereafter reduced to computerized transcription
14 under my direction and supervision, and I hereby
15 certify the foregoing deposition is a full, true and
16 correct transcript of my shorthand notes so taken.17 I further certify that I am neither
18 counsel for nor related to any party to said action
19 nor in anywise interested in the outcome thereof.20 IN WITNESS WHEREOF, I have hereunto
21 subscribed my name this 2nd day of September, 2010.
2223 DENISE PAHOLSKI, RPR, CSR #10742
24 in and for the State of California
25

EXHIBIT 41

ENSR | AECOM

ENSR | AECOM

999 Town & Country Road
4th Floor
Orange, California 92868
(714) 973-9740
Fax (714) 973-9750
www.ensr.com

January 14, 2008

Mr. Kevin Lambert
Orange County Health Care Agency
1241 East Dyer Rd; Suite 120
Santa Ana, California 92705-5611

Subject: OCHCA Case #87UT82

RE: Quarterly Groundwater Monitoring Report, Fourth Quarter 2007
Former Unocal Facility #5123 (Chevron Site ID 306621)
14972 Springdale, Huntington Beach, California
ENSR Project Number 01231-175

Dear Mr. Lambert:

ENSR has been authorized by Union Oil Company of California (Unocal), now doing business as Chevron Environmental Management Company (EMC), to perform quarterly groundwater monitoring at the site located at 14972 Springdale, Huntington Beach, California (Figure 1). The locations of former and current site features are illustrated on Figure 2. Quarterly groundwater monitoring is intended to evaluate the concentration and distribution of petroleum hydrocarbon constituents in groundwater beneath the site. This report summarizes results of the samples collected from the site during the Fourth Quarter 2007. The work was performed in accordance with the field methods and procedures included in Enclosure A. Non-purge sampling methods were used this quarter.

Site History

- The site was occupied by a Unocal gasoline service station from 1962 to 1994 when all USTs and associated improvements were removed.
- Various soil borings and monitoring wells installed in the late 1980s and early 1990s indicated impacted soil and groundwater beneath and off site.
- According to historical data from approximately 45 on and offsite groundwater monitoring wells, the groundwater impacts range across three saturated zones (A-zone, B-zone, and C-zone).
- Dual-phase extraction (DPE) was initiated onsite in April 2002. The system was shut down in January 2004 due to mechanical failure. Several attempts were made to get system up and running efficiently without shutting down. System was restarted in June 2004.
- The system was shut down on December 28, 2006, and will remain shut down until modifications can be completed to increase system efficiency.



Kevin Lambert
Orange County Health Care Agency
Page 3

Future Work

The Quarterly Status Report outlines site history, recently completed and proposed work, and current agency directives. The Quarterly Status Report is included as Enclosure D.

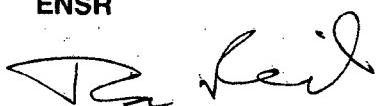
Remarks/Signatures

The interpretations in this report represent our professional opinions and are based, in part, on the information supplied by the client. These opinions are based on currently available information and are arrived at in accordance with currently accepted hydrogeologic and engineering practices at this time and location. Other than this, no warranty is implied or intended.

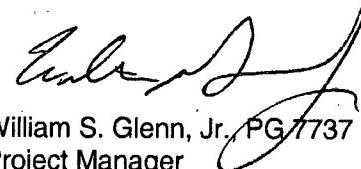
If you have any questions regarding this project, please contact Paul Clemow at (805) 388-3775 or pclemow@ensr.aecom.com.

Sincerely,

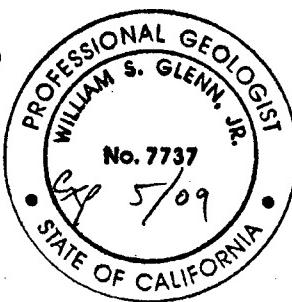
ENSR



Donald W. Reid
Senior Technician



William S. Glenn, Jr., PG 7737
Project Manager



Paul Clemow
Senior Project Manager

Table 2
Summary of Groundwater Sample Laboratory Analysis
Former Unocal Service Station 5123
Huntington Beach, California

Well No.	Monitoring Date	Screen Interval (feet)	Top of Casing (MSL-feet)	Depth of Wall (feet)	Depth to Water (feet)	Ground-water Elevation (MSL-feet)	LNAPL Thickness (feet)	TPH-G (ug/l)	Benzene (ug/l)	Toluene (ug/l)	Ethy-benzene (ug/l)	Total Xylenes (ug/l)	Di-isopropyl Ether (ug/l)	Ethyl tert-Butyl Ether (ug/l)	tert-Butanol (ug/l)	Comments
MW-7	07/20/04	9-24	18.86	-	-	-	-	-	-	-	-	-	-	-	-	-
MW-7	11/01/04	9-24	18.86	-	-	-	-	-	-	-	-	-	-	-	-	-
MW-7	12/26/05	9-24	18.86	24.30	6.57	12.29	0	ND>50	ND>2.0	ND<4.0	ND<5.0	ND>5.0	ND>50	ND>50	ND>50	
MW-7	2/7/2006	9-24	18.86	24.30	6.14	12.72	0	ND>25	ND<0.28	ND<0.36	ND<0.90	ND<0.25	ND<0.28	ND<0.32	ND<3.1	
MW-7	1/16/2007	9-24	18.86	24.30	6.37	12.49	0	ND>20	ND<0.5	ND>0.5	ND<0.5	ND<0.5	ND<0.5	ND<0.5	ND<2.0	
MW-8																
MW-8	01/01/93	5-35	19.55	-	9.11	9.79	0	Trace	0	-	-	-	-	-	-	-
MW-8	02/01/93	5-35	18.9	-	-	-	-	0	8600	9100	890	6400	75000	75000	Resurveyed	
MW-8	03/01/93	5-35	18.9	-	-	-	-	-	-	-	-	-	-	-	-	
MW-8	04/01/93	5-35	18.9	-	-	-	-	-	-	-	-	-	-	-	-	
MW-8	05/01/93	5-35	18.9	-	6.77	12.13	0	11000	16000	3700	16000	210000	210000	40000	-	
MW-8	06/01/93	5-35	18.9	-	-	-	-	-	-	-	-	-	-	-	-	
MW-8	12/01/93	5-35	18.9	-	10.04	8.86	0	4200	1500	610	4300	130000	130000	92000	-	
MW-8	02/01/94	5-35	18.9	-	10.15	8.75	0	6200	12000	1400	13000	11000	23000	23000	-	
MW-8	05/01/94	5-35	18.9	-	7.51	11.39	0	9100	11000	3800	3800	13000	13000	13000	-	
MW-8	08/01/94	5-35	18.9	-	6.68	12.22	0	2300	470	480	3800	4800	4800	4800	-	
MW-8	11/01/94	5-35	18.9	-	7.46	11.44	0	4400	4600	1300	4500	27000	27000	52000	-	
MW-8	11/01/94	5-35	18.9	-	15.50	3.4	0	5900	2700	2400	8600	52000	52000	52000	-	
MW-8	02/01/95	5-35	18.9	-	6.00	12.9	0	6300	5300	2300	17000	71000	71000	71000	-	
MW-8	05/01/95	5-35	18.9	-	14.22	4.68	0	6300	5300	2300	17000	46000	46000	46000	-	
MW-8	08/01/95	5-35	18.9	-	7.12	11.78	0	5000	2900	2500	8600	7100	7100	7100	-	
MW-8	11/01/95	5-35	18.9	-	7.27	11.63	0	840	79	400	534	32000	32000	32000	-	
MW-8	02/29/96	5-35	18.9	-	7.05	11.85	0	4100	3000	2700	10600	66000	66000	66000	-	
MW-8	05/28/96	5-35	18.9	-	34.5	7.86	11.04	0	3600	3100	1700	8700	53000	53000	22000	-
MW-8	08/22/96	5-35	18.9	-	34.5	9.82	9.08	0	4300	3500	1900	6200	35000	35000	9900	-
MW-8	11/25/96	5-35	18.9	-	34.5	8.95	9.95	0	3600	470	2000	2640	36000	36000	10000	-
MW-8	01/28/97	5-35	18.9	-	34.5	7.20	11.7	0	350	.12	92	100	6400	6400	5200	-
MW-8	04/04/97	5-35	18.9	-	34.5	8.00	10.9	0	2900	1700	2000	6000	44000	44000	15000	-
MW-8	07/08/97	5-35	18.9	-	34.5	7.72	11.18	0	2700	180	2700	3700	31000	31000	13000	-
MW-8	10/30/97	5-35	18.9	-	34.5	9.40	9.5	0	2700	290	1600	1500	22000	22000	8900	-
MW-8	01/15/98	5-35	18.9	-	34.5	7.54	11.36	0	-	-	-	-	-	-	-	Monitored Only
MW-8	07/06/98	5-35	18.9	-	6.88	12.02	0	-	-	-	-	-	-	-	-	Monitored Only
MW-8	12/17/98	5-35	18.9	-	35.15	8.50	10.4	0	4500	550	2100	3100	34000	34000	5100	-
MW-8	03/10/99	5-35	18.9	-	8.37	10.53	0	-	-	-	-	-	-	-	-	Monitored Only
MW-8	06/10/99	5-35	18.9	-	7.59	11.31	0	-	-	-	-	-	-	-	-	Monitored Only
MW-8	09/09/99	5-35	18.9	-	8.93	9.97	0	-	-	-	-	-	-	-	-	Monitored Only
MW-8	12/03/99	5-35	18.9	-	35.25	10.15	0	-	-	-	-	-	-	-	-	Pump in well
MW-8	02/22/00	5-35	18.9	-	8.77	10.13	0	-	-	-	-	-	-	-	-	Monitored Only
MW-8	05/23/00	5-35	18.9	-	9.18	9.72	0	-	-	-	-	-	-	-	-	Abandoned 1/31/01
MW-8	08/21/00	5-35	18.9	-	11.15	7.75	0	-	-	-	-	-	-	-	-	2700
MW-8	11/08/00	5-35	18.9	-	35.15	11.80	7.1	0	580	100	170	300	4600	4600	23000	-
MW-9	01/01/93	5-35	19.39	-	-	-	-	-	-	-	-	-	-	-	-	-
MW-9	02/01/93	5-35	19.39	-	11.23	8.16	Trace	-	-	-	-	-	-	-	-	-
MW-9	03/01/93	5-35	19.39	-	-	0	-	-	-	-	-	-	-	-	-	-
MW-9	04/01/93	5-35	19.39	-	-	-	-	-	-	-	-	-	-	-	-	-
MW-9	05/01/93	5-35	19.39	-	-	-	-	-	-	-	-	-	-	-	-	-
MW-9	08/01/93	5-35	19.39	-	-	-	-	-	-	-	-	-	-	-	-	-
MW-9	12/01/93	5-35	19.39	-	-	-	-	-	-	-	-	-	-	-	-	-
MW-9	02/01/94	5-35	19.39	-	-	-	-	-	-	-	-	-	-	-	-	-
MW-9	05/01/94	5-35	19.39	-	-	-	-	-	-	-	-	-	-	-	-	-

EXHIBIT 42



Imagine the result

**Chevron Environmental Management
Company**

**Third Quarter 2010
Groundwater Monitoring Report**

Chevron Facility No. 30-6621
(Former Unocal Station No. 5123)
Huntington Beach, California

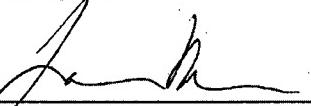
OCHCA Case No. 87UT82

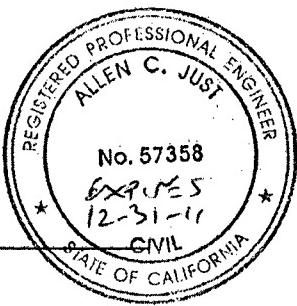
September 2010



ARCADIS


Allen C. Just, P.E.
Principal Engineer


Lawrence Browne
Project Geologist



**Third Quarter 2010
Groundwater Monitoring
Report**

Chevron Facility No. 30-6621
(Former Unocal Station No. 5123)
Huntington Beach, California

Prepared for:
Chevron EMC

Prepared by:
ARCADIS
3240 El Camino Real
Suite 200
Irvine
California 92602-1385
Tel 714.730.9052
Fax 714.730.9345

Our Ref.:
B0047114.0000.00001

Date:
September 17, 2010

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TABLE 1
THIRD QUARTER 2010 GROUNDWATER ELEVATION AND ANALYTICAL RESULTS
CHEVRON FACILITY NO. 30-6621
HUNTINGTON BEACH, CALIFORNIA

Well ID	Screened Interval (feet)	Sampling Date	Top of Casting (feet)	Depth to Groundwater (feet)	TPHg and BTX				Fuel Organics					
					TPHg	Benzene	Toluene	Ethylbenzene	Xylenes	Micrograms per liter (ug/L)	Ethanol	TBA	MTBE	
MW-1	7'-22'	08/05/10	20.08	10.48	9.50	1400	91	150	58	<28	<50	<5	<5	<5
MW-3	7'-22'	08/04/10	19.73	10.07	9.58	110	12	29	23	<13	<50	<5	<5	<5
MW-4B	10'-25'	08/04/10	18.77	8.50	10.17	<22	<0.5	<0.5	<0.5	<0.5	<50	<5	<5	<5
MW-4C	35'-40'	08/04/10	18.82	10.56	8.26	<22	<0.5	<0.5	<0.5	<0.5	<50	<5	<5	<5
MW-5	10'-25'	08/05/10	18.87	10.59	7.88	<22	<0.5	<0.5	<0.5	<0.5	<50	<5	<5	<5
MW-5	10'-25'	08/05/10	18.21	8.36	9.05	<22	<0.5	<0.5	<0.5	<0.5	<50	<5	<5	<5
MW-6	9'-24'	08/05/10	18.56	8.59	9.57	1800	53	20	5	<73	<50	<5	<5	<5
MW-6B	35'-40'	08/05/10	18.36	10.08	8.28	96	<0.5	<0.5	<0.5	<0.5	<50	<50	<5	<5
MW-6C	40'-45'	08/05/10	18.34	10.54	7.80	31.4	0.6	1	<0.5	<0.5	<50	<50	<5	<5
MW-7	9'-24'	08/04/10	18.86	9.13	9.73	<22	<0.5	<0.5	<0.5	<0.5	<50	<5	<5	<5
MW-14	5'-25'	08/05/10	18.49	8.59	9.90	<22	<0.5	<0.5	<0.5	<0.5	<50	<5	<5	<5
MW-15	5'-25'	08/04/10	18.33	8.18	10.15	<22	<0.5	<0.5	<0.5	<0.5	<50	<5	<5	<5
MW-16	5'-20'	08/04/10	18.87	5.89	10.98	<22	<0.5	<0.5	<0.5	<0.5	<50	<5	<5	<5
MW-17B	30'-35'	08/04/10	19.26	10.62	8.64	49.4	<0.5	<0.5	<0.5	<0.5	<50	<5	<5	<5
MW-17C	40'-45'	08/04/10	19.39	11.14	8.15	45.1	<0.5	<0.5	<0.5	<0.5	<50	<5	<5	<5
MW-17L	19'-24'	08/04/10	19.71	10.06	9.55	470	2.1	2.1	2.1	2.1	<50	<5	<5	<5
MW-17U	5'-16'	08/04/10	19.48	9.81	9.67	600	3.1	21	5	20	<50	<5	<5	<5
MW-18	20'-36'	08/04/10	19.59	10.77	10.77	<22	<0.5	<0.5	<0.5	<0.5	<50	<5	<5	<5
MW-19	5'-20'	08/04/10	20.42	10.04	10.30	<22	<0.5	<0.5	<0.5	<0.5	<50	<5	<5	<5
MW-20A	5'-25'	08/05/10	18.27	8.66	9.41	1800	11	45	18	84	<50	<5	<5	<5
MW-20B	30'-35'	08/05/10	18.45	11.32	7.13	150	3.1	4	2.1	4.1	<50	<22	<5	<5
MW-20C	40'-45'	08/05/10	18.52	12.06	6.46	700	200	8.1	1.1	15.1	<100	<10	<10	<10
MW-21L	18'-23'	08/05/10	12.22	11.60	3.00	280	250	98	280	<50	14.1	7	<5	<5
MW-21U	11'-16'	08/05/10	21.34	10.02	11.32	710	51	83	27	65	<50	17.1	2.1	<5
MW-22C	40'-45'	08/05/10	22.02	11.92	10.60	180	<0.5	<0.5	<0.5	<0.5	<50	<5	<5	<5
MW-22L	18'-23'	08/05/10	24.38	12.68	2.600	250	150	93	180	<50	<5	<5	<5	<5
MW-22U	11'-16'	08/05/10	21.89	10.40	11.49	<22	<0.5	<0.5	<0.5	<0.5	<50	<5	<5	<5
MW-24B	35'-40'	08/05/10	19.35	10.96	8.39	29.1	1.1	6	0.9	4.1	<50	<5	<5	<5
MW-24C	40'-45'	08/05/10	19.25	11.42	7.83	42.1	1.1	5	0.7	29.1	<50	<5	<5	<5
MW-25B	35'-40'	08/05/10	19.16	12.48	6.68	2.000	740	5	15	17.1	<50	850	32	45.5
MW-25C	40'-45'	08/05/10	19.51	* 11.46	8.05	1.000	60	79	19	42	<50	180	5	45.5
MW-25L	18'-23'	08/05/10	19.46	11.04	8.42	3.900	110	100	87	107	<50	78.1	<5	<5
MW-25U	11'-16'	08/05/10	19.45	9.90	9.55	2.300	18	14	14	22.1	<50	8.1	<5	<5
MW-26L	19'-24'	08/05/10	18.85	10.06	8.89	48.000	4.700	15.000	1.800	7.000	<1000	<10	<10	<10
MW-26U	11'-16'	08/05/10	19.15	9.69	9.26	350	3.1	20	5	20	<50	<5	<5	<5
MW-27L	18'-23'	08/05/10	18.63	9.93	8.70	84.000	6.200	29.000	2.900	14.800 *	<1300	<13	<13	<13
MW-27U	11'-16'	08/05/10	18.93	9.25	9.68	850	16	58	10	38	<50	69.1	<5	<5
MW-28B	35'-40'	08/04/10	22.36	11.64	10.72	550	170	4	1.1	3.1	<50	550	1.1	<5
MW-28L	18'-23'	08/04/10	22.43	11.01	11.42	180.000	24.000	50.000	4.800	28.200	<1300	<1300	<13	<13
MW-28U	11'-16'	08/04/10	22.34	10.90	11.44	43.000	4.700	13.000	8.000	7.40	<500	96.1	<5	<5
MW-29B	35'-40'	08/05/10	21.95	11.68	10.27	4.500	2.100	11	1.1	13.1	<130	500	22	1
MW-29L	11'-16'	08/05/10	21.79	10.59	11.20	39.000	2.300	6.300	1.200	6.400	<500	581.1	58	5
MW-29U	11'-16'	08/05/10	21.80	10.35	11.45	540	1.1	2.1	<0.5	0.6	<50	51.1	0.7	<5
MW-30B	35'-40'	08/04/10	21.93	11.47	10.46	190	<0.5	<0.5	<0.5	<0.5	<50	2.00	0.51	<5
MW-30L	18'-23'	08/04/10	22.02	10.31	11.71	110	<1.1	<1.1	<0.5	0.5	<50	550	1.1	<5
MW-31	11'-16'	08/04/10	21.90	10.98	10.92	2.000	250	6	4	7.7	<50	29.1	19	<5
MW-31	18'-23'	08/04/10	21.99	9.06	12.93	<22	<0.5	<0.5	<0.5	<0.5	<50	<5	<5	<5
MW-31	7'-25'	08/05/10	24.48	13.44	11.04	63.000	7.500	19.000	2.600	161.000	<130	<13	<13	<13

LEGEND:
 TPHg = Total petroleum hydrocarbons as gasoline
 TBA = Tertiary butyl alcohol
 MTBE = Methyl tertiary butyl ether
 DPE = Diisopropyl ether
 ETBE = Ethyltertiary butyl ether
 TAME = Tertiary amyl methyl ether
 ND = Not detected
 [Number] = Duplicate sample result
 J = Value is between method detection limit and laboratory quantitation limit

NOTES:
 (1) All elevations are in feet relative to mean sea level.
 (2) Data prior to August 2009 from AECOM's Quarterly Groundwater Monitoring Report - Second Quarter 2009
 (3) TOC elevation (Aug 1-2007 - present) from W. Ton Foster Survey of Santa Ana, CA
 (4) TOC elevations for wells MW-21L, MW-21U, MW-22C, MW-22B, MW-23B, MW-24L, MW-24U, and DPEW-1 surveyed April 30, 2010 by Cal Vista Surveys of Corona, CA
 (5) Screened intervals for wells MW-4, MW-5, MW-6, and W-7 are estimated from historical documents.